A/73/53/Add.1

United Nations

Report of the Human Rights Council

Thirty-ninth session
(10–28 September 2018)

General Assembly
Official Records
Seventy-third Session
Supplement No. 53 A (A/73/53/Add.1)

Please recycle

General Assembly
Official Records
Seventy-third Session
Supplement No. 53 A (A/73/53/Add.1)

Report of the Human Rights Council

Thirty-ninth session
(10–28 September 2018)

United Nations • New York, 2018

Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Contents

Chapter		*Page*
	Checklist of resolutions, decisions and President's statements	iv
I.	Introduction	1
II.	Resolutions brought to the attention of the General Assembly for its consideration and possible action	2
III.	Resolutions	27
IV.	Decisions	104
V.	President's statement	110

Checklist of resolutions, decisions and President's statements

A. Resolutions

Resolution	*Title*	*Date of adoption*	*Page*
39/1	Promotion and protection of human rights in the Bolivarian Republic of Venezuela	27 September 2018	27
39/2	Situation of human rights of Rohingya Muslims and other minorities in Myanmar	27 September 2018	2
39/3	World Programme for Human Rights Education	27 September 2018	28
39/4	Promotion of a democratic and equitable international order	27 September 2018	30
39/5	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	27 September 2018	34
39/6	The safety of journalists	27 September 2018	37
39/7	Local government and human rights	27 September 2018	43
39/8	The human rights to safe drinking water and sanitation	27 September 2018	44
39/9	The right to development	27 September 2018	48
39/10	Preventable maternal mortality and morbidity and human rights in humanitarian settings	27 September 2018	53
39/11	Equal participation in political and public affairs	28 September 2018	59
39/12	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas	28 September 2018	8
39/13	Human rights and indigenous peoples	28 September 2018	22
39/14	Situation of human rights in Burundi	28 September 2018	60
39/15	The human rights situation in the Syrian Arab Republic	28 September 2018	65
39/16	Human rights situation in Yemen	28 September 2018	72
39/17	National human rights institutions	28 September 2018	75
39/18	Enhancement of technical cooperation and capacity-building in the field of human rights	28 September 2018	80
39/19	Technical assistance and capacity-building in the field of human rights in the Central African Republic	28 September 2018	83
39/20	Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo	28 September 2018	89
39/21	Technical assistance and capacity-building for Yemen in the field of human rights	28 September 2018	93
39/22	Technical assistance and capacity-building to improve human rights in the Sudan	28 September 2018	96
39/23	Assistance to Somalia in the field of human rights	28 September 2018	98

B. Decisions

Decision	*Title*	*Date of adoption*	*Page*
39/101	Outcome of the universal periodic review: Turkmenistan	20 September 2018	104
39/102	Outcome of the universal periodic review: Burkina Faso	20 September 2018	104
39/103	Outcome of the universal periodic review: Cabo Verde	20 September 2018	104
39/104	Outcome of the universal periodic review: Germany	20 September 2018	105
39/105	Outcome of the universal periodic review: Azerbaijan	20 September 2018	105
39/106	Outcome of the universal periodic review: Tuvalu	20 September 2018	106
39/107	Outcome of the universal periodic review: Colombia	20 September 2018	106
39/108	Outcome of the universal periodic review: Djibouti	20 September 2018	107
39/109	Outcome of the universal periodic review: Cameroon	20 September 2018	107
39/110	Outcome of the universal periodic review: Bangladesh	20 September 2018	107
39/111	Outcome of the universal periodic review: Uzbekistan	20 September 2018	108
39/112	Outcome of the universal periodic review: Canada	21 September 2018	108
39/113	Outcome of the universal periodic review: Cuba	21 September 2018	109
39/114	Outcome of the universal periodic review: Russian Federation	21 September 2018	109

C. President's statements

President's statement	*Title*	*Date of adoption*	*Page*
39/1	Reports of the Advisory Committee	27 September 2018	110

I. Introduction

1. The Human Rights Council held its thirty-ninth session from 10 to 28 September 2018.

2. The report of the Human Rights Council on its thirty-ninth session will be issued in document A/HRC/39/2.

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

39/2. Situation of human rights of Rohingya Muslims and other minorities in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Right of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant international human rights law,

Recalling relevant resolutions of the General Assembly and the Human Rights Council, the most recent being Assembly resolution 72/248 of 24 December 2017 and Council resolutions 29/21 of 3 July 2015, 34/22 of 24 March 2017, S-27/1 of 5 December 2017 and 37/32 of 23 March 2018, and Council decision 36/115 of 29 September 2017,

Welcoming the work of the independent international fact-finding mission on Myanmar and its oral updates to the Human Rights Council, while deeply regretting that the Government of Myanmar has not cooperated with the fact-finding mission and urging the Government to grant it full, unrestricted and unmonitored access to all areas and interlocutors,

Welcoming also the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, deeply regretting the decision of the Government of Myanmar to discontinue cooperation with the Special Rapporteur and to deny her access to Myanmar since January 2018, and calling upon the Government to resume its cooperation with the Special Rapporteur without delay,

Welcoming further the appointment by the Secretary-General of a special envoy, the cooperation of the Government of Myanmar with the special envoy and the agreement on the opening of an office in Nay Pyi Taw, and commending the work of the special envoy since her nomination, including her recent visits to the region and her consultations with a range of interlocutors,

Welcoming the cooperation extended by the Government of Bangladesh allowing in this context the Special Rapporteur to visit the country from 29 June to 8 July 2018, while reaffirming the importance of cooperation with the Government of Myanmar in taking all measures necessary to promote and protect human rights in its territory without any discrimination,

Expressing deep concern about the ongoing non-cooperation of the Government of Myanmar and its denial of access to the fact-finding mission and the Special Rapporteur,

Expressing deep concern also that, despite the signing of the bilateral instruments between Bangladesh and Myanmar and the subsequent formation of the Joint Working Group on the Repatriation of Displaced Myanmar Residents from Bangladesh, no displaced Rohingya person has been able to return to Myanmar to date owing to the fact that no visible effort has been made to create a conducive environment for the safe, voluntary, dignified and sustainable return of displaced Rohingya, including assurance of non-occurrence of violence, assurance on rights, including citizenship and mobility, or assurance of accountability of perpetrators and justice for victims, and owing also to the very slow verification process of the list of intended returnees handed over to Myanmar,

Expressing concern at the reports of continued intimidation and violence against the remaining Rohingya Muslim population and other minorities in Myanmar,

Recognizing the initial steps taken by the Government of Myanmar to address the underlying causes of the situation in Rakhine State, including the setting up of the Central Committee for the Implementation of Peace, Stability and Development in Rakhine State and the Advisory Commission on Rakhine State, established on 5 September 2016 at the behest of the State Counsellor of Myanmar, Daw Aung San Suu Kyi, and chaired by former Secretary-General Kofi Annan, while regretting that the Government has not yet fully implemented all recommendations of the Advisory Commission on Rakhine State,

Acknowledging the establishment of an independent commission of enquiry by the Government of Myanmar on 30 July 2018 as a step towards ensuring accountability for the gross human rights violations and abuses committed in Rakhine State, and expressing hope that the commission of enquiry, unlike previous national investigative mechanisms, will be able to work with independence, transparency and objectivity,

Acknowledging with grave concern the statements made by the Secretary-General on 26 February 2018, the United Nations High Commissioner for Human Rights on 7 March 2018 and the Assistant Secretary-General for Human Rights on 6 March 2018, as well as by the Secretary-General of the Organization of Islamic Cooperation on 27 February 2018, on the situation of human rights in Rakhine State, in which they referred to ethnic cleansing in Myanmar, and recalling resolution 59/45-POL of the Organization of Islamic Cooperation adopted by the Council of Foreign Ministers at its forty-fifth session on the establishment of an ad hoc ministerial committee on accountability for human rights violations against the Rohingya, and the recommendations made by the participants in the international consultation meeting on the Rohingya crisis, held on 6 July 2018 in Ankara,

Acknowledging the request made by the High Commissioner, during the thirty-eighth session of the Human Rights Council, on the situation of human rights of the Rohingya population and other minorities in the Rakhine State of Myanmar, that the Council, in view of the scale and gravity of the allegations, consider making a recommendation to establish a new impartial and independent mechanism, complementary to the work of the fact-finding mission,

Stressing that States have the primary responsibility to respect, protect and fulfil human rights,

Reiterating the urgent need to ensure that all those responsible for crimes relating to violations and abuses of international human rights law are held to account through credible and independent national or international criminal justice mechanisms, while recalling the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court,

Recalling the responsibility of States to comply with their relevant obligations to prosecute those responsible for violations of international law, including international humanitarian law, international human rights law and international refugee law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, with a view to end impunity,

1. *Expresses grave concern* at the findings of the independent international fact-finding mission that there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command so that a competent court may determine their liability for genocide in relation to the situation in Rakhine State, and that crimes against humanity and war crimes have been committed in Kachin, Rakhine and Shan States, including murder, imprisonment, enforced disappearance, torture, rape, sexual slavery and other forms of sexual violence, persecution and enslavement, and that children were subjected to, and witnessed, serious human rights violations, including killing, maiming and sexual violence, as part of a widespread and systematic attack on a civilian population warranting criminal investigation and prosecution, and that the military has consistently failed to respect international human rights law and international humanitarian law;

2. *Strongly condemns* all violations and abuses of human rights in Myanmar, as set out in the report of the fact-finding mission,[1] including widespread, systematic and gross human rights violations and abuses committed in Rakhine State, including the presence of elements of extermination and deportation and systematic oppression and discrimination, which may amount to persecution and to the crime of apartheid, also strongly condemns the disproportionate response of the military and the security forces, deplores the serious deterioration of the security, human rights and humanitarian situation, the exodus of more than 723,000 Rohingya Muslims and other minorities into Bangladesh and the subsequent depopulation of northern Rakhine State, and calls upon the Myanmar authorities to ensure that those responsible for violations of international law, including human rights violations and abuses, are held accountable;

3. *Calls for* a full and independent investigation of the reports of systematic and widespread human rights violations and abuses committed, as reported by various United Nations bodies, including the Human Rights Council, the fact-finding mission and the Special Representative of the Secretary-General on Sexual Violence in Conflict;

4. *Calls upon* the Government of Myanmar to ensure the protection of the human rights of all persons in Myanmar, including of Rohingya Muslims and other minorities;

5. *Also calls upon* the Government of Myanmar to take all measures necessary to ensure accountability and to end impunity for all violations of human rights by undertaking a full, transparent and independent investigation into reports of all violations of international human rights law and international humanitarian law;

6. *Further calls upon* the Government of Myanmar to grant full, unrestricted and unmonitored access for the fact-finding mission, other human rights mechanisms and relevant United Nations agencies, as well as for relevant international and regional human rights bodies, including the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation, and to ensure that all individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisal, intimidation or attack;

7. *Welcomes* the holding of the third session of the Twenty-first Century Panglong Conference from 11 to 16 July 2018 and the progress made towards the principles of a future democratic federal union of Myanmar, while calling for further steps, including an immediate cessation of fighting and hostilities, of targeting civilians and of all violations and abuses of international human rights law and international humanitarian law in northern Myanmar, and of the harassment, intimidation, arrest, detention and prosecution of human rights defenders and activists demonstrating for peace, the provision of immediate, safe and unhindered humanitarian access, including to areas controlled by ethnic armed groups, in particular in Kachin and Shan States, and the implementation of an inclusive and comprehensive national political dialogue ensuring the full, effective and meaningful participation of all ethnic groups, women and young people, and persons with disabilities, as well as civil society, with the objective of achieving lasting peace;

8. *Calls upon* the Government of Myanmar to take the measures necessary to address the spread of discrimination and prejudice and to combat the incitement to hatred against Rohingya Muslims and other minorities by publicly condemning such acts and enacting necessary anti-hate speech laws, in accordance with international human rights standards, and by promoting interfaith dialogue in cooperation with the international community and encourages political and religious leaders in the country to work towards national unity through dialogue;

9. *Also calls upon* the Government of Myanmar to make efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to the Rohingya Muslims, by, inter alia, reviewing the 1982 Citizenship Law, which has led to the deprivation of human rights; by ensuring equal access to full citizenship through a transparent, voluntary and accessible

[1] A/HRC/39/64.

procedure and to all civil and political rights by allowing for self-identification; by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control; and by lifting all local orders restricting rights to freedom of movement and access to civil registration, health and education services and livelihoods;

10. *Strongly urges* the Government of Myanmar to take all measures necessary to implement fully all recommendations made by the Advisory Commission on Rakhine State;

11. *Notes with concern* the continued departure of members of the remaining Rohingya population and other minorities for Bangladesh, and strongly urges the Government of Myanmar and the armed forces to lift the curfew order in Rakhine State, in particular to ensure freedom of movement and the safety and security of all persons without discrimination, and to put an end to extortion against and the intimidation of the Rohingya population;

12. *Calls upon* the Government on Myanmar to allow free and unhindered access for local and international staff of humanitarian and other relevant international agencies to provide humanitarian assistance, including gender-responsive assistance, and encourages it to grant access to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisal, and to safeguard those who report abuses;

13. *Stresses* the need for the creation of the conditions for the safe, voluntary, dignified and sustainable return of Rohingya refugees from Bangladesh to their places of origin, offering dignified solutions to displacement, in consultation with the populations concerned and in accordance with international law and standards, with international oversight and monitoring and with the free and informed participation of refugee communities;

14. *Strongly calls upon* the Government of Myanmar to expedite the safe, voluntary, dignified and sustainable return of all internally displaced persons in conditions of safety and dignity to their homes in Myanmar, including the approximately 120,000 internally displaced Rohingya and Kaman persons currently in camps near Sittwe in central Rakhine since 2012, by offering dignified solutions to displacement, in consultation with the populations concerned and in accordance with international law and standards;

15. *Calls upon* the Government of Myanmar to provide any returnees with freedom of movement, unimpeded access to livelihoods, social services, including health services, education and shelter, and compensation for all losses;

16. *Calls upon* the United Nations and encourages other international agencies to provide all support necessary for the Governments of Bangladesh and Myanmar to expedite the safe, voluntary, dignified and sustainable return of forcibly displaced Rohingya Muslims and other minorities from Myanmar, including internally displaced persons, including through the early implementation of the memorandum of understanding signed by the Government of Myanmar, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme;

17. *Urges* the Government of Myanmar to take all measures necessary to reverse and abandon policies, directives and practices that marginalize Rohingya Muslims and other minorities economically, to prevent the destruction of places of worship, cemeteries, infrastructure and commercial or residential buildings belonging to all peoples, and to ensure that displaced Rohingya Muslims and other minorities in Rakhine State do not lose their rights to their homes and properties, including by reviewing relevant laws, and to address the root causes of their vulnerability and forced displacement;

18. *Expresses grave concern* that the journalists Wa Lone and Kyaw Soe Oo, who were investigating the Inn Dinn killings, have been jailed, prosecuted and sentenced, and calls for their immediate and unconditional release, and calls upon the Government of Myanmar to allow unhindered access of journalists throughout Myanmar, in particular in Rakhine, Kachin and Shan States;

19. *Welcomes* the signing by the Governments of Myanmar and Bangladesh of an arrangement on the return of displaced persons from Rakhine on 23 November 2017 and of a physical arrangement for the repatriation of displaced Myanmar residents from Bangladesh on 16 January 2018 as important first steps towards the safe, voluntary, dignified and sustainable return and repatriation of Rohingya refugees, and acknowledges the cooperation of Bangladesh with the Office of the United Nations High Commissioner for Refugees, while urging all parties to invite the Office of the High Commissioner, the International Organization for Migration and other relevant international organizations to fulfil their mandates and to participate fully in the work of the Joint Working Group on the Repatriation of Displaced Myanmar Residents from Bangladesh and to ensure the transparent, effective and sustainable implementation of the returns process, in accordance with international law and with the free and informed participation of refugee communities;

20. *Acknowledges* the signing of a memorandum of understanding on 6 June 2018 by the Government of Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees and the creation of a technical working group to oversee implementation as an important and necessary step to create conditions for the safe, voluntary and dignified return of refugees from Bangladesh, and encourages the immediate publication of the memorandum;

21. *Also acknowledges* the establishment of an independent commission of enquiry by the Government of Myanmar on 30 July 2018, and calls for its close cooperation with all United Nations bodies and mandates, in particular the independent international fact-finding mission and the Special Rapporteur on the situation of human rights in Myanmar to ensure that all those responsible for crimes involving violations of international law, including violations and abuses of international human rights law, such as conflict-related sexual and gender-based violence and the attacks on children perpetrated during the military "clearance" operations in northern Rakhine State, are held to account;

22. *Decides* to establish an ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law;

23. *Also decides* that the mechanism shall:

(a) Be able to make use of the information collected by the fact-finding mission and continue to collect evidence;

(b) Have the capacity to document and verify relevant information and evidence, including through field engagement and by cooperating with other entities, as appropriate;

(c) Report on its main activities on an annual basis to the Human Rights Council as of its forty-second session and to the General Assembly as of its seventy-fourth session;

24. *Takes note* of the International Criminal Court Pre-Trial Chamber's ruling that it may exercise jurisdiction over the deportation of the Rohingya people from Myanmar to Bangladesh, and requests the mechanism to cooperate closely with any of its future investigations pertaining to human rights violations in Myanmar;

25. *Requests* the Secretary-General to appoint the staff of the mechanism as expeditiously as possible, taking into account the experience of other relevant mechanisms, and to recruit or allocate impartial and experienced staff with relevant skills and expertise, drawing upon terms of reference prepared by the United Nations High Commissioner for Human Rights;

26. *Calls upon* all States, including the Government of Myanmar and its independent commission of enquiry, and encourages civil society, business enterprises and other relevant stakeholders to cooperate fully with the mechanism to effectively fulfil its mandate and, in particular, to provide it with any information and documentation they may

possess or come to possess, as well as any other forms of assistance pertaining to their respective mandate;

27. *Requests* the United Nations system as a whole to cooperate fully with the mechanism and to respond promptly to any request made by the mechanism, including access to all information and documentation;

28. *Requests* the Secretary-General to allocate the resources necessary for the implementation of the present resolution, including the logistical and technical resources necessary to support the functioning of the mechanism;

29. *Encourages* the General Assembly to consider taking further action to address the serious human rights violations committed in Myanmar, particularly in Rakhine, Shan and Kachin States, as documented in the final report of the fact-finding mission,[1] and to seriously consider the recommendations contained therein and to pay due regard to the establishment of the mechanism;

30. *Decides* to extend the mandate of the independent international fact-finding mission, established by the Human Rights Council in its resolution 34/22, until the new mechanism is operational to ensure that the large and continually increasing amount of evidence of human rights violations and abuses it has collected is fully documented, verified, consolidated and preserved in order for the material to be effectively shared, accessed and used by the mechanism, and requests the fact-finding mission to submit a final report on its main activities to the Council at its forty-second session;

31. *Requests* the United Nations High Commissioner for Human Rights to present a written report, to be followed by an interactive dialogue, to the Human Rights Council at its forty-third session, on the root causes of the human rights violations and abuses the Rohingya Muslim minority and other minorities in Myanmar are facing, including discrimination, racial intolerance, xenophobia and Islamophobic practices, in violation of international human rights law and contrary to international declarations, including but not limited to the Durban Declaration and Programme of Action, and to recommend concrete measures to be taken by the Government of Myanmar and the international community to address the current situation;

32. *Encourages* the United Nations system to give due consideration to the recommendation by the fact-finding mission on conducting a comprehensive, independent inquiry into the involvement of the United Nations in Myanmar since 2011 with a view to establishing whether everything possible to prevent or mitigate the unfolding crises was done, identifying lessons learned and good practices, making recommendations as appropriate, including on accountability, and enabling more effective work in the future;

33. *Appeals* to all States, international agencies and other donors to step up support for victims, including support for refugees, displaced persons and host communities, possibly through the establishment of a trust fund to address their needs, including the needs of those who have been victims of sexual violence, as well as child victims and witnesses.

39th meeting
27 September 2018

[Adopted by a recorded vote of 35 to 3, with 7 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Ecuador, Egypt, Georgia, Germany, Hungary, Iceland, Iraq, Kyrgyzstan, Mexico, Nigeria, Pakistan, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Philippines

Abstaining:

Angola, Ethiopia, Japan, Kenya, Mongolia, Nepal, South Africa]

39/12. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

The Human Rights Council,

Recalling all relevant Human Rights Council resolutions on the right to food, and recalling in particular Council resolutions 21/19 of 27 September 2012, 26/26 of 27 June 2014, 30/13 of 1 October 2015 and 36/22 of 29 September 2017 on the promotion and protection of the human rights of peasants and other people working in rural areas,

Welcoming with appreciation the constructive negotiations, participation and active engagement in the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas during its five sessions, and welcoming the report on its fifth session,[2]

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;

2. *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of its resolution 60/251 of 15 March 2006, adopt the following draft resolution:

"*The General Assembly*,

Welcoming the adoption by the Human Rights Council, through its resolution 39/12 of 28 September 2018, of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof."

40th meeting
28 September 2018

[Adopted by a recorded vote of 33 to 3, with 11 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Hungary, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Belgium, Brazil, Croatia, Georgia, Germany, Iceland, Japan, Republic of Korea, Slovakia, Slovenia, Spain]

[2] A/HRC/39/67.

Annex

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

The Human Rights Council,

Recalling the principles proclaimed in the Charter of the United Nations, which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Taking into account the principles proclaimed in the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, relevant conventions of the International Labour Organization and other relevant international instruments that have been adopted at the universal or regional level,

Reaffirming the Declaration on the Right to Development, and that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Reaffirming also the United Nations Declaration on the Rights of Indigenous Peoples,

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recognizing the special relationship and interaction between peasants and other people working in rural areas, and the land, water and nature to which they are attached and on which they depend for their livelihood,

Recognizing also the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring the right to adequate food and food security which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Concerned that peasants and other people working in rural areas suffer disproportionately from poverty, hunger and malnutrition,

Concerned also that peasants and other people working in rural areas suffer from the burdens caused by environmental degradation and climate change,

Concerned further about peasants ageing around the world and youth increasingly migrating to urban areas and turning their backs on agriculture owing to the lack of incentives and the drudgery of rural life, and recognizing the need to improve the economic diversification of rural areas and the creation of non-farm opportunities, especially for rural youth,

Alarmed by the increasing number of peasants and other people working in rural areas forcibly evicted or displaced every year,

Alarmed also by the high incidence of suicide of peasants in several countries,

Stressing that peasant women and other rural women play a significant role in the economic survival of their families and in contributing to the rural and national economy, including through their work in the non-monetized sectors of the economy, but are often denied tenure and ownership of land, equal access to land, productive resources, financial services, information, employment or social protection, and are often victims of violence and discrimination in a variety of forms and manifestations,

Stressing also the importance of promoting and protecting the rights of the child in rural areas, including through the eradication of poverty, hunger and malnutrition, the promotion of quality education and health, protection from exposure to chemicals and wastes, and the elimination of child labour, in accordance with relevant human rights obligations,

Stressing further that several factors make it difficult for peasants and other people working in rural areas, including small-scale fishers and fish workers, pastoralists, foresters and other local communities to make their voices heard, to defend their human rights and tenure rights, and to secure the sustainable use of the natural resources on which they depend,

Recognizing that access to land, water, seeds and other natural resources is an increasing challenge for rural people, and stressing the importance of improving access to productive resources and investment in appropriate rural development,

Convinced that peasants and other people working in rural areas should be supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with nature, also referred to as Mother Earth in a number of countries and regions, including by respecting the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Considering the hazardous and exploitative conditions that exist in many parts of the world under which many peasants and other people working in rural areas have to work, often denied the opportunity to exercise their fundamental rights at work, and lacking living wages and social protection,

Concerned that individuals, groups and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subject to different forms of intimidation and of violations of their physical integrity,

Noting that peasants and other people working in rural areas often face difficulties in gaining access to courts, police officers, prosecutors and lawyers to the extent that they are unable to seek immediate redress or protection from violence, abuse and exploitation,

Concerned about speculation on food products, the increasing concentration and unbalanced distribution of food systems and the uneven power relations along the value chains, which impair the enjoyment of human rights,

Reaffirming that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Recalling the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Recognizing that the concept of food sovereignty has been used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights,

Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Declaration and in national law,

Reaffirming the importance of respecting the diversity of cultures and of promoting tolerance, dialogue and cooperation,

Recalling the extensive body of conventions and recommendations of the International Labour Organization on labour protection and decent work,

Recalling also the Convention on Biological Diversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity,

Recalling further the extensive work of the Food and Agriculture Organization of the United Nations and the Committee on World Food Security on the right to food, tenure rights, access to natural resources and other rights of peasants, in particular the International Treaty on Plant Genetic Resources for Food and Agriculture, and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,

Recalling the outcome of the World Conference on Agrarian Reform and Rural Development and the Peasants Charter adopted thereat, in which the need for the formulation of appropriate national strategies for agrarian reform and rural development, and their integration with overall national development strategies, was emphasized,

Reaffirming that the present Declaration and relevant international agreements shall be mutually supportive with a view to enhancing the protection of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Convinced of the need for greater protection of the human rights of peasants and other people working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

Solemnly adopts the following declaration on the rights of peasants and other people working in rural areas:

Article 1

1. For the purposes of the present Declaration, a peasant is any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.

2. The present Declaration applies to any person engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area. It also applies to dependent family members of peasants.

3. The present Declaration also applies to indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless, engaged in the above-mentioned activities.

4. The present Declaration further applies to hired workers, including all migrant workers regardless of their migration status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises.

Article 2

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present Declaration that cannot be immediately guaranteed.

2. Particular attention shall be paid in the implementation of the present Declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.

3. Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

4. States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas.

5. States shall take all necessary measures to ensure that non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, respect and strengthen the rights of peasants and other people working in rural areas.

6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present Declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other people working in rural areas, among others. Such measures could include:

(a) Ensuring that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other people working in rural areas;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and in access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the transfer of technologies, particularly to developing countries, on mutually agreed terms;

(e) Improving the functioning of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

Article 3

1. Peasants and other people working in rural areas have the right to the full enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on any grounds such as origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disability, age, political or other opinion, religion, birth or economic, social or other status.

2. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.

3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people working in rural areas.

Article 4

1. States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development.

2. States shall ensure that peasant women and other women working in rural areas enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights:

(a) To participate equally and effectively in the formulation and implementation of development planning at all levels;

(b) To have equal access to the highest attainable standard of physical and mental health, including adequate health-care facilities, information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To receive all types of training and education, whether formal or non-formal, including training and education relating to functional literacy, and to benefit from all community and extension services in order to increase their technical proficiency;

(e) To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;

(h) To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes;

(i) To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;

(j) To be free from all forms of violence.

Article 5

1. Peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, in accordance with article 28 of the present Declaration. They also have the right to participate in the management of these resources.

2. States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:

(a) A duly conducted social and environmental impact assessment;

(b) Consultations in good faith, in accordance with article 2.3 of the present Declaration;

(c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.

Article 6

1. Peasants and other people working in rural areas have the right to life, physical and mental integrity, liberty and security of person.

2. Peasants and other people working in rural areas shall not be subjected to arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

Article 7

1. Peasants and other people working in rural areas have the right to recognition everywhere as persons before the law.

2. States shall take appropriate measures to facilitate the freedom of movement of peasants and other people working in rural areas.

3. States shall, where required, take appropriate measures to cooperate with a view to addressing transboundary tenure issues affecting peasants and other people working in rural areas that cross international boundaries, in accordance with article 28 of the present Declaration.

Article 8

1. Peasants and other people working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, either orally, in writing or in print, in the form of art, or through any other media of their choice, at the local, regional, national and international levels.

2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to participate in peaceful activities against violations of human rights and fundamental freedoms.

3. The exercise of the rights provided for in the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

4. States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de jure or de facto discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise and defence of the rights described in the present Declaration.

Article 9

1. Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests, and to bargain collectively. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

3. States shall take appropriate measures to encourage the establishment of organizations of peasants and other people working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or

administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity and to a decent life.

Article 10

1. Peasants and other people working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods.

2. States shall promote the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that may affect their lives, land and livelihoods; this includes respecting the establishment and growth of strong and independent organizations of peasants and other people working in rural areas and promoting their participation in the preparation and implementation of food safety, labour and environmental standards that may affect them.

Article 11

1. Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas have access to relevant, transparent, timely and adequate information in a language and form and through means adequate to their cultural methods so as to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.

3. States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation.

Article 12

1. Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.

2. States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.

3. Peasants and other people working in rural areas have the right to legal assistance. States shall consider additional measures, including legal aid, to support peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

4. States shall consider measures to strengthen relevant national institutions for the promotion and protection of all human rights, including the rights described in the present Declaration.

5. States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of violating their human rights, arbitrarily dispossessing them of their land and

natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.

Article 13

1. Peasants and other people working in rural areas have the right to work, which includes the right to choose freely the way they earn their living.

2. Children of peasants and other people working in rural areas have the right to be protected from any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to a child's health or physical, mental, spiritual, moral or social development.

3. States shall create an enabling environment with opportunities for work for peasants and other people working in rural areas and their families that provide remuneration allowing for an adequate standard of living.

4. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote sustainable food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.

5. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating, where required, appropriate resources to ensuring the effective operation of labour inspectorates in rural areas.

6. No one shall be required to perform forced, bonded or compulsory labour, be subject to the risk of becoming a victim of human trafficking or be held in any other form of contemporary slavery. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation, child labour and all forms of contemporary slavery, such as debt bondage of women, men and children, and forced labour, including of fishers and fish workers, forest workers, or seasonal or migrant workers.

Article 14

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy working conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to the implementation of measures to prevent, reduce and control hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions, and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subject to any work-related retaliation for exercising such rights.

2. Peasants and other people working in rural areas have the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants.

3. States shall take appropriate measures to ensure favourable safe and healthy working conditions for peasants and other people working in rural areas, and shall in particular designate appropriate competent authorities responsible, and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces.

4. States shall take all measures necessary to ensure:

(a) The prevention of risks to health and safety derived from technologies, chemicals and agricultural practices, including through their prohibition and restriction;

(b) An appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging, distribution, labelling and use of chemicals used in agriculture, and for their prohibition or restriction;

(c) That those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to users in the appropriate official language or languages of the country and, on request, to the competent authority;

(d) That there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment;

(e) The development and implementation of educational and public awareness programmes on the health and environmental effects of chemicals commonly used in rural areas, and on alternatives to them.

Article 15

1. Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.

2. States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.

3. States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.

4. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

5. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration.

Article 16

1. Peasants and other people working in rural areas have the right to an adequate standard of living for themselves and their families, and to facilitated access to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They also have the right to engage freely, individually and/or collectively, in association with others or as a community, in traditional

ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialization systems.

2. States shall take appropriate measures to favour the access of peasants and other people working in rural areas to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national and regional markets at prices that guarantee them a decent income and livelihood.

3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other people working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living.

4. States shall take all appropriate measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to sustainable modes of agricultural production. States shall stimulate sustainable production, including agroecological and organic production, whenever possible, and facilitate direct farmer-to-consumer sales.

5. States shall take appropriate measures to strengthen the resilience of peasants and other people working in rural areas against natural disasters and other severe disruptions, such as market failures.

6. States shall take appropriate measures to ensure fair wages and equal remuneration for work of equal value, without distinction of any kind.

Article 17

1. Peasants and other people living in rural areas have the right to land, individually and/or collectively, in accordance with article 28 of the present Declaration, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

2. States shall take appropriate measures to remove and prohibit all forms of discrimination relating to the right to land, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources.

3. States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems. States shall protect legitimate tenure, and ensure that peasants and other people working in rural areas are not arbitrarily or unlawfully evicted and that their rights are not otherwise extinguished or infringed. States shall recognize and protect the natural commons and their related systems of collective use and management.

4. Peasants and other people working in rural areas have the right to be protected against arbitrary and unlawful displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law. States shall prohibit arbitrary and unlawful forced eviction, the destruction of agricultural areas and the confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.

5. Peasants and other people working in rural areas who have been arbitrarily or unlawfully deprived of their lands have the right, individually and/or collectively, in association with others or as a community, to return to their land of which they were arbitrarily or unlawfully deprived, including in cases of natural disasters and/or armed conflict and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, whenever possible, or to receive just, fair and lawful compensation when their return is not possible.

6. Where appropriate, States shall take appropriate measures to carry out agrarian reforms in order to facilitate broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function. Landless peasants, young people, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.

7. States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production, including, among others, through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.

Article 18

1. Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas enjoy, without discrimination, a safe, clean and healthy environment.

3. States shall comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.

4. States shall take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the land of peasants and other people working in rural areas, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.

5. States shall protect peasants and other people working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

Article 19

1. Peasants and other people working in rural areas have the right to seeds, in accordance with article 28 of the present Declaration, including:

(a) The right to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;

(b) The right to equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture;

(c) The right to participate in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture;

(d) The right to save, use, exchange and sell their farm-saved seed or propagating material.

2. Peasants and other people working in rural areas have the right to maintain, control, protect and develop their own seeds and traditional knowledge.

3. States shall take measures to respect, protect and fulfil the right to seeds of peasants and other people working in rural areas.

4. States shall ensure that seeds of sufficient quality and quantity are available to peasants at the most suitable time for planting, and at an affordable price.

5. States shall recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice, and to decide on the crops and species that they wish to grow.

6. States shall take appropriate measures to support peasant seed systems, and promote the use of peasant seeds and agrobiodiversity.

7. States shall take appropriate measures to ensure that agricultural research and development integrates the needs of peasants and other people working in rural areas, and to ensure their active participation in the definition of priorities and the undertaking of research and development, taking into account their experience, and increase investment in research and the development of orphan crops and seeds that respond to the needs of peasants and other people working in rural areas.

8. States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect and take into account the rights, needs and realities of peasants and other people working in rural areas.

Article 20

1. States shall take appropriate measures, in accordance with their relevant international obligations, to prevent the depletion and ensure the conservation and sustainable use of biodiversity in order to promote and protect the full enjoyment of the rights of peasants and other people working in rural areas.

2. States shall take appropriate measures to promote and protect the traditional knowledge, innovation and practices of peasants and other people working in rural areas, including traditional agrarian, pastoral, forestry, fisheries, livestock and agroecological systems relevant to the conservation and sustainable use of biological diversity.

3. States shall prevent risks of violation of the rights of peasants and other people working in rural areas arising from the development, handling, transport, use, transfer or release of any living modified organisms.

Article 21

1. Peasants and other people working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life and all human rights and human dignity. These rights include water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.

2. Peasants and other people working in rural areas have the right to water for personal and domestic use, farming, fishing and livestock keeping and to securing other water-related livelihoods, ensuring the conservation, restoration and sustainable use of water. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.

3. States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for rural women and girls, and persons belonging to disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, all migrants regardless of their migration status, and persons living in irregular or informal settlements. States shall promote appropriate and affordable technologies, including irrigation technology, technologies for the reuse of treated wastewater, and for water collection and storage.

4. States shall protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes, from overuse and contamination by harmful substances, in particular by industrial effluent and concentrated minerals and chemicals that result in slow and fast poisoning.

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people working in rural areas. States shall prioritize water for human needs before other uses, promoting its conservation, restoration and sustainable use.

Article 22

1. Peasants and other people working in rural areas have the right to social security, including social insurance.

2. States shall, according to their national circumstances, take appropriate steps to promote the enjoyment of the right to social security of all migrant workers in rural areas.

3. States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.

4. Basic social security guarantees should be established by law. Impartial, transparent, effective, accessible and affordable grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.

Article 23

1. Peasants and other people working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.

2. Peasants and other people working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.

3. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as training for health personnel, including education on health and human rights.

Article 24

1. Peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context.

2. Peasants and other people working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.

3. States shall not, arbitrarily or unlawfully, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.

Article 25

1. Peasants and other people working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.

2. All children of peasants and other people working in rural areas have the right to education in accordance with their culture, and with all the rights contained in human rights instruments.

3. States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding, and plant and animal health clinics to respond more appropriately to the immediate and emerging challenges that peasants and other people working in rural areas face.

4. States shall invest in providing training, market information and advisory services at the farm level.

Article 26

1. Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope.

2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.

3. States shall respect, and take measures to recognize and protect, the rights of peasants and other people working in rural areas relating to their traditional knowledge, and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.

Article 27

1. The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the present Declaration, including through the mobilization of, inter alia, development assistance and cooperation. Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be considered.

2. The United Nations and its specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall promote respect for and the full application of the present Declaration, and follow up on its effectiveness.

Article 28

1. Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that peasants and other people working in rural areas and indigenous peoples currently have or may acquire in the future.

2. The human rights and fundamental freedoms of all, without discrimination of any kind, shall be respected in the exercise of the rights enunciated in the present Declaration. The exercise of the rights set forth in the present Declaration shall be subject only to such limitations as are determined by law and that are compliant with international human rights obligations. Any such limitations shall be non-discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and for meeting the just and most compelling requirements of a democratic society.

39/13. Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, since its adoption, the United Nations Declaration on the Rights of Indigenous Peoples has positively influenced the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and national legal frameworks and policies as it applies to indigenous peoples,

Recalling the adoption on 22 September 2014 of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[3]

Appreciating the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, recalling the commitment made by the General Assembly at the World Conference to consider ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and welcoming Assembly resolution 71/321 of 8 September 2017,

Acknowledging the participation of indigenous peoples' representatives and institutions in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples,

Acknowledging also the study of the Expert Mechanism entitled "Free, prior and informed consent: a human rights-based approach",[4] and encouraging all parties to consider the examples of good practices and recommendations included in the study as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

Taking note of the report of the Special Rapporteur on the rights of indigenous peoples,[5] noting with concern her findings with regard to attacks against and the criminalization of indigenous peoples defending their rights and the prevention and protection measures available, and calling upon all States to consider the recommendations contained in the report,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, young persons, elderly persons and persons with disabilities and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference,

Recalling the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) by the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

Recognizing that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, and welcoming the role of indigenous peoples in achieving the objectives of the United Nations Framework Convention on Climate Change, the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development,

Bearing in mind the importance of the empowerment and capacity-building of indigenous women and young persons, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and young persons, in particular in the areas of health, education, employment and

---

[3] General Assembly resolution 69/2.

[4] A/HRC/39/62.

[5] A/HRC/39/17.

the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[6] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow up on the effectiveness of the Declaration;

2. *Takes note* of the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report,[7] and its intersessional activities, and requests the Office of the High Commissioner to ensure timely translation in all official languages of the United Nations and distribution of these reports for the Council and pre-session translation of the studies and reports of the Expert Mechanism, in accordance with Council resolution 33/25 of 30 September 2016;

4. *Strongly encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;

5. *Acknowledges* the efforts of indigenous peoples, States and the Expert Mechanism, in the exercise of its mandate, to assist by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples at the national and subnational levels, and encourages requests for technical assistance to the Expert Mechanism;

6. *Notes* that the next study of the Expert Mechanism, to be finalized by its twelfth session, will focus on the theme of indigenous peoples, migration and borders, and also notes that the Expert Mechanism will prepare a report on the theme of recognition, reparation and reconciliation;

7. *Encourages* States and all relevant academic institutions, indigenous peoples' institutions and representatives, as well as the United Nations Educational, Scientific and Cultural Organization, as the lead agency for the International Year of Indigenous Languages, to participate actively in the organization and implementation of the activities relating to the Year in 2019 and to uphold the spirit of the Year by taking measures to draw attention to the critical loss of indigenous languages and the need to preserve, revitalize and promote them;

8. *Decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8 of 29 September 2011, that, in view of the International Year of Indigenous Languages in 2019, the theme of the annual half-day panel discussion on the rights of indigenous peoples during the forty-second session of the Council will be on the promotion and preservation of indigenous languages, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-fourth session;

9. *Also decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the forty-fifth session of the Council will be on the protection of indigenous human rights defenders, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to

[6] A/HRC/39/37.
[7] A/HRC/39/68.

prepare a summary report on the discussion and to submit it to the Council prior to its forty-seventh session;

10. *Welcomes* the proposal by the Expert Mechanism to the Human Rights Council that further efforts be made to facilitate the participation of indigenous peoples' representatives and institutions in the work of the Council, in particular the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples, and also welcomes the encouragement of the General Assembly to the relevant United Nations bodies, in accordance with their respective rules of procedure, to facilitate the participation of indigenous peoples' representatives and institutions in relevant meetings on issues affecting them;

11. *Decides* to hold a half-day intersessional interactive dialogue, while inviting the President of the General Assembly to participate, on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them on the first day of the twelfth session of the Expert Mechanism, requests the Office of the High Commissioner to make the interactive dialogue fully accessible to persons with disabilities, and to prepare a summary report thereon for submission to the Council prior to its forty-fourth session, and recommends that the Assembly consider that report in the ongoing process towards the enhancement of the full and effective participation of indigenous peoples in the work of the United Nations;

12. *Encourages* States and the relevant agencies and entities of the United Nations system to support the Secretary-General in holding timely regional consultations, including through the regional commissions, as appropriate, in order to seek input from indigenous peoples from all regions of the world on the measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of the relevant United Nations bodies on issues affecting them;

13. *Encourages* States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

14. *Encourages* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples and the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

15. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding indigenous peoples;

16. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

17. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by adopting measures to pursue its objectives in consultation and cooperation with indigenous peoples;

18. *Calls upon* States that that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so;

19. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous

issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

20. *Encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

21. *Also encourages* States to work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the importance of the Local Communities and Indigenous Peoples Platform for the exchange of experience and the sharing of best practices on mitigation and adaptation in a holistic and integrated manner;

22. *Welcomes* the agreed conclusions adopted by the Commission on the Status of Women at its sixty-first session, in which the Commission called for measures to be taken to promote the economic empowerment of indigenous women, including by ensuring access to quality and inclusive education and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, and to promote their participation in relevant decision-making processes at all levels and in all areas, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

23. *Also welcomes* the work of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and invites States and other potential donors to support it;

24. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

25. *Decides* to continue its consideration of this question at a future session, in conformity with its annual programme of work.

40th meeting
28 September 2018

[Adopted without a vote.]

III. Resolutions

39/1. Promotion and protection of human rights in the Bolivarian Republic of Venezuela

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Reaffirming the primary responsibility of States to promote and protect the human rights and fundamental freedoms of their citizens and to fulfil their obligations under the human rights treaties and agreements to which they are parties,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling in particular that the United Nations High Commissioner for Human Rights has the mandate to, inter alia, play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world,

Bearing in mind that hundreds of thousands of nationals of the Bolivarian Republic of Venezuela, including men, women and children, are forced to leave their country as a result of, inter alia, a political, economic, social and humanitarian crisis that seriously affects their human rights,

1. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights entitled "Human rights violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight", published in June 2018;

2. *Expresses its deepest concern* at the serious human rights violations in a context of a political, economic, social and humanitarian crisis, as documented in the above-mentioned report;

3. *Calls upon* the Government of the Bolivarian Republic of Venezuela to accept humanitarian assistance in order to address the scarcity of food, medicine and medical supplies, the rise of malnutrition, especially among children, and the outbreak of diseases that had been previously eradicated or kept under control in South America;

4. *Urges* the Government of the Bolivarian Republic of Venezuela to cooperate with the Office of the High Commissioner and the mechanisms of the Human Rights Council;

5. *Requests* the High Commissioner to prepare a comprehensive written report on the human rights situation in the Bolivarian Republic of Venezuela and to present it to the Human Rights Council at its forty-first session, to be followed by an enhanced interactive dialogue, and to present an oral update on the human rights situation to the Council at its fortieth and forty-second sessions.

39th meeting
27 September 2018

[Adopted by a recorded vote of 23 to 7, with 17 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Croatia, Ecuador, Georgia, Germany, Hungary, Iceland, Japan, Mexico, Panama, Peru, Republic of Korea, Rwanda, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Democratic Republic of the Congo, Egypt, Pakistan, Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Côte d'Ivoire, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Philippines, Qatar, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates]

39/3. World Programme for Human Rights Education

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and in other international human rights instruments, States are duty-bound to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 59/113 A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education, and resolution 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council should promote human rights education and learning,

Reaffirming the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 of 19 December 2011,

Recalling previous Human Rights Council resolutions on the World Programme for Human Rights Education, the most recent being resolution 36/12 of 28 September 2017,

Recalling also that the World Programme is an ongoing initiative, structured in consecutive phases, to advance the implementation of human rights education programmes in all sectors, and that States should continue the implementation of previous phases while taking the measures necessary to implement the current phase,

Recognizing that the World Programme for Human Rights Education focused, in its first phase, on the integration of human rights education into the primary and secondary school systems, in its second phase, on human rights education in higher education and human rights training for teachers and educators, civil servants, law enforcement officials and military personnel, and in its third phase, on the implementation of the first two phases and on promoting human rights training for media professionals and journalists,

Believing that human rights education and training are essential to the effective realization of human rights and fundamental freedoms, and contribute significantly by promoting equality, preventing conflict and human rights violations and abuses, and enhancing participation and democratic processes with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance, and the essential role of education, including human rights education and education which is sensitive to and respects cultural diversity, especially among youth, in the prevention and eradication of all forms of intolerance and discrimination,

Recalling the adoption of the 2030 Agenda for Sustainable Development, including Goal 4, target 7 thereof, and of the Education 2030 Framework for Action, and affirming the interlinkages and integrated nature of all Sustainable Development Goals and targets,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the consultation on the target sectors, focus areas or thematic human rights issues for the fourth phase of the World Programme for Human Rights Education;[8]

[8] A/HRC/39/35.

2. *Encourages* States and relevant stakeholders to, during the fourth phase of the World Programme, strengthen efforts to advance the implementation of the three previous phases, with special emphasis on:

(a) Advancing implementation by focusing especially on women, girls and children, and engaging with groups and individuals in vulnerable situations, in accordance with the objective of the 2030 Agenda for Sustainable development of "leaving no one behind", and consolidating the work done;

(b) Providing human rights education and training for educators in formal and non-formal education and training, in particular those working with children and youth;

(c) Undertaking related research and mapping, sharing good practices and lessons learned, and sharing information among all actors;

(d) Applying and strengthening sound educational methodologies based on good practices and assessed through continued evaluation;

(e) Fostering dialogue, cooperation, networking and information-sharing among relevant stakeholders;

(f) Furthering the integration of human rights education and training into school and training curricula;

(g) Strengthening follow-up to the implementation of all previous phases of the World Programme;

3. *Decides* to make youth the focus group of the fourth phase of the World Programme, with special emphasis on education and training in equality, human rights and non-discrimination, and inclusion and respect for diversity with the aim of building inclusive and peaceful societies, and to align the fourth phase with the 2030 Agenda for Sustainable Development and specifically with target 4.7 of the Sustainable Development Goals, taking into account the synergies between the different concepts and educational methods mentioned therein;

4. *Calls upon* States and, where applicable, relevant governmental authorities and other stakeholders to increase their efforts to implement, disseminate and promote universal respect for and understanding of the United Nations Declaration on Human Rights Education and Training;

5. *Encourages* States to develop, as appropriate, comprehensive and sustainable national plans of action for human rights education and training, with dedicated resources;

6. *Requests* the Office of the High Commissioner to prepare, from within existing resources, and taking into account the report of the High Commissioner[3] and future relevant consultations, a plan of action for the fourth phase of the World Programme (2020-2024), in consultation with States, relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization, national human rights institutions and civil society, including non-governmental organizations, and to submit the plan of action to the Human Rights Council for its consideration at its forty-second session;

7. *Recommends* that the Secretary-General ensure that an adequate component of United Nations assistance, to be provided at the request of Member States to develop their national systems of promotion and protection of human rights, is available to support human rights education and training;

8. *Decides* to consider this issue at its forty-second session in accordance with its programme of work.

39th meeting
27 September 2018

[Adopted without a vote.]

39/4. Promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of a democratic and equitable international order, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008, 18/6 of 29 September 2011, 21/9 of 27 September 2012, 25/15 of 27 March 2014, 27/9 of 25 September 2014, 30/29 of 2 October 2015, 33/3 of 29 September 2016 and 36/4 of 28 September 2017,

Recalling also Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Affirming that the enhancement of international cooperation for the promotion and the protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and of international law as set forth in Articles 1 and 2 of the Charter and with, inter alia, full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Concerned about the continued abuse by Member States of the extraterritorial application of their national legislation in a manner that affects the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the full enjoyment of human rights,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and the protection of human rights should be based on the principle of cooperation and genuine dialogue and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Affirming that the right of every State to take part in the conduct of international affairs is essential to the realization of an international order that is democratic and equitable,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, the inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing the need for adequate financing of and technology transfer to developing countries, in particular landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order;

2. *Also reaffirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

4. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, and the right to choose representatives freely

through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

5. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity;

6. *Reaffirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and pursue freely their economic, social and cultural development, in accordance with the Charter of the United Nations and relevant resolutions of the United Nations;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, and threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, and of respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

9. *Reaffirms*, among other principles, the principles of sovereign equality of States, of non-intervention and of non-interference in internal affairs;

10. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity and mutual understanding, and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

11. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security, and to that end should do their utmost to achieve general and complete disarmament under effective international control and to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries;

12. *Underlines* that attempts to overthrow legitimate Governments by force disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights;

13. *Reaffirms* the need to continue to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, to make it possible to eliminate the widening gap between developed and developing countries and to ensure steadily accelerating economic and social development and peace and justice for present and future generations;

14. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

15. *Affirms* that a democratic and equitable international order, as prescribed in the Charter, cannot be achieved through the deregulation of trade, markets and financial services;

16. *Takes note* of the reports of the Independent Expert on the promotion of a democratic and equitable international order;[9]

17. *Invites* the Independent Expert to continue his research into the impact of financial and economic policies pursued by international organizations and other institutions on a democratic and equitable international order, in particular those of the World Bank and the International Monetary Fund;

18. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his mandate, and to provide him with all the necessary information requested by him in order to enable him to fulfil his duties effectively;

[9] A/HRC/39/47 and Add.1.

19. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Independent Expert;

20. *Requests* the Independent Expert to submit to the Human Rights Council, at its forty-second session, a report on the implementation of the present resolution;

21. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as the South Centre, and with other stakeholders from all regions;

22. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

23. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

24. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

25. *Decides* to continue consideration of this matter under the same agenda item at its forty-second session.

39th meeting
27 September 2018

[Adopted by a recorded vote of 28 to 14, with 5 abstentions. The voting was as follows:

In favour:

Angola, Burundi, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Panama, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, Ukraine,* United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Iceland, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Afghanistan, Brazil, Chile, Mexico, Peru]

39/5. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015, 33/4 of 29 September 2016 and 36/3 of 28 September 2017,

* The representative of Ukraine subsequently stated that there had been an error in the delegation's vote and that it had intended to vote against.

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Extremely alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the countries affected,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Convinced that, regardless of the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries, and their recruitment, financing, protection and training, are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries and for private military and security companies on the global market;

3. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, and their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or to impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries;

5. *Also requests* all States to exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the consultancy and security services provided by private companies, including in the extractive industries, to establish national regulatory

mechanisms for the registering and licensing of those companies, for accountability of the companies and their personnel and for remedies for violations resulting from their activities in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Calls upon* all States that have not yet become a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

8. *Welcomes* the cooperation extended by those countries that were visited by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and to respect for the constitutional order of those countries and to the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, and into the political motivations of mercenaries and for mercenary-related activities;

10. *Calls upon* States to investigate the possibility of mercenary and mercenary-related involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

11. *Recognizes* that mercenary activity is a complex crime in which criminal responsibility falls upon those who have recruited, employed, trained and financed the mercenary or mercenaries, and upon those who have planned and ordered their criminal activity;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Acknowledges with appreciation* the work and contributions of the Working Group, including its research activities, and takes note of its most recent report;[10]

15. *Requests* the Working Group and other experts to continue their participation, including by submitting contributions, in other subsidiary bodies of the Human Rights Council considering issues related to the use of mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies;

16. *Requests* the Working Group to continue the work already carried out by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of the term "mercenary" drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session,[11] and also the evolving phenomenon of mercenaries and its related forms;

17. *Also requests* in this regard the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations in

[10] A/HRC/39/49.

[11] E/CN.4/2004/15.

different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities, and to continue to update the database of individuals convicted of mercenary activities;

18. *Further requests* the Working Group to continue to study and identify new sources and causes, emerging issues, manifestations and trends with regard to mercenaries and mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

19. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

20. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including by promoting cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

21. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant civil society actors in the implementation of the present resolution, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its seventy-fourth session and to the Human Rights Council at its forty-second session;

22. *Decides* to continue its consideration of this matter under the same agenda item at its forty-second session.

39th meeting
27 September 2018

[Adopted by a recorded vote of 30 to 15, with 2 abstentions. The voting was as follows:

In favour:

Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Iceland, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Afghanistan, Mexico]

39/6. The safety of journalists

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

Recalling all General Assembly and Human Rights Council resolutions on the safety of journalists, in particular Assembly resolution 72/175 of 19 December 2017 and Council resolution 33/2 of 29 September 2016, as well as Security Council resolutions 1738 (2006)

of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the safety of journalists,[12]

Recalling all other relevant reports of the Secretary-General, the Office of the High Commissioner and the special procedures of the Human Rights Council on the safety of journalists,

Recalling also the options put forward in the outcome of the multi-stakeholder consultation on strengthening the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity,

Welcoming the decision of the Secretary-General to appoint a designated official on the safety of journalists in his Executive Office and to mobilize a network of focal points throughout the United Nations system to propose specific steps to intensify efforts to enhance the safety of journalists and media workers,

Welcoming also the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, including its role in monitoring developments in this area, as reflected in its Global Report 2017/2018 entitled *World Trends in Freedom of Expression and Media Development*, and expressing concern at the increase in violence against and harassment of journalists described therein,

Welcoming further the initiatives taken by States, media organization and civil society relevant to the safety of journalists, and taking note in this regard of the Freelance Journalist Safety Principles and the International Declaration on the Protection of Journalists presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Recognizing the importance of freedom of expression and of free, independent, plural and diverse media, online as well as offline, in building and supporting the functioning of inclusive and peaceful knowledge societies and democracies, an informed citizenry, the rule of law and participation in public affairs, in holding public institutions and officials accountable, including by exposing corruption, and in fostering intercultural dialogue, peace and good governance, as well as mutual understanding and cooperation,

Underlining the importance of voluntary professional principles and ethics developed and observed by the media,

Recognizing the crucial role of journalists and media workers in the context of elections, including to inform the public about candidates, their platforms and ongoing debates, and expressing serious concern that attacks against journalists and media workers increase during election periods,

Recognizing also the importance of public trust in and the credibility of journalism, in particular the challenges of maintaining media professionalism in an environment where new forms of media are constantly evolving and where targeted disinformation and smear campaigns to discredit the work of journalists are increasing,

Recognizing further that the work of journalists often puts them at specific risk of intimidation, threats, harassment and violence, including the targeting of their family members, which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

[12] A/HRC/39/23.

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats, including of a physical, legal, political, technological and economic nature, and acts of other forms of violence,

Deeply alarmed at the specific risks faced by women journalists in relation to their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists, including in the online sphere, in particular to effectively tackle gender-based discrimination, including sexual and gender-based violence, threats, intimidation, harassment, inequality and gender-based stereotypes, and to enable women to enter and remain in journalism on terms of equality and non-discrimination while ensuring their greatest possible safety, and to ensure that the experiences and concerns of women journalists are effectively addressed,

Alarmed at instances in which political leaders, public officials and/or authorities denigrate, intimidate or threaten the media, including individual journalists, which increases the risk of threats and violence against journalists and undermines public trust in the credibility of journalism,

Expressing serious concern at attacks and violence against journalists and media workers in situations of armed conflict, and recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

Expressing deep concern at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Recognizing that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

Recognizing also the important role that national human rights institutions can play in promoting and protecting human rights, including the right to freedom of expression, and in addressing human rights violations against journalists through monitoring, educating and awareness-raising activities, as well as through the examination of complaints, and recognizing further the contribution that national mechanisms for reporting and follow-up can play in the prevention of human rights violations against journalists,

Emphasizing the role of international cooperation in support of national efforts to prevent attacks and violence against journalists and in raising the capacities of States in the field of human rights, including in preventing attacks and violence against journalists, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned,

Emphasizing also the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications, hacking, including government-sponsored hacking, and denial of service attacks to force the shutdown of particular media websites or services, in violation of their rights to privacy and to freedom of expression,

Bearing in mind that impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

Stressing the need for greater emphasis on prevention measures and the creation of enabling legal frameworks for freedom of expression to ensure a safe and enabling environment for journalists and media workers,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and

arbitrary detention, expulsion, intimidation, threats and harassment, online and offline, including through attacks on or the forced closure of their offices and media outlets in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the specific attacks on women journalists and media workers in relation to their work, such as gender-based discrimination, including sexual and gender-based violence, threats, intimidation and harassment, online and offline;

3. *Strongly condemns* the prevailing impunity for attacks and violence against journalists and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes, and calls upon States to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified during the panel discussion held by the Human Rights Council on 11 June 2014 and/or compiled in the report of the Office of the United Nations High Commissioner for Human Rights thereon,[13] inter alia (a) the creation of special investigative units or independent commissions, (b) the appointment of a specialized prosecutor, and (c) the adoption of specific protocols and methods of investigation and prosecution;

4. *Urges* States to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

5. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced disappearance;

6. *Condemns unequivocally* measures in violation of international human rights law aiming to or that intentionally prevent or disrupt access to or dissemination of information online and offline, which undermine the work of journalists in informing the public, including measures to unlawfully or arbitrarily block or take down media websites, such as denial of service attacks, and calls upon all States to cease and refrain from these measures, which cause irreparable harm to efforts at building inclusive and peaceful knowledge societies and democracies;

7. *Expresses concern* about the spread of disinformation and propaganda, including on the Internet, which can be designed and implemented so as to mislead, to violate human rights, including the right to privacy and to freedom of expression, and to incite violence, hatred, discrimination or hostility, and emphasizes the important contribution by journalists in countering this trend;

8. *Urges* political leaders, public officials and/or authorities to refrain from denigrating, intimidating or threatening the media, including individual journalists, and thereby undermining trust in the credibility of journalists as well as respect for the importance of independent journalism;

9. *Urges* States to do their utmost to prevent violence, intimidation, threats and attacks against journalists and media workers, including by:

(a) Increasing and accelerating efforts to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference;

(b) Giving full support to and raising public awareness of the importance of an independent, plural and diverse media, online as well as offline;

(c) Publicly, unequivocally and systematically condemning violence, intimidation, threats and attacks against journalists and media workers;

[13] A/HRC/27/35.

(d) Establishing or enhancing information-gathering and monitoring mechanisms, such as databases, to permit the collecting, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats, attacks or violence against journalists;

(e) Establishing an early warning and rapid response mechanism to give journalists and media workers, when threatened, immediate access to authorities competent and adequately resourced to provide effective protective measures;

(f) Supporting capacity-building, training and awareness-raising in the judiciary and among law enforcement officers and military and security personnel, as well as among media organizations, journalists and civil society, regarding States' international human rights and international humanitarian law obligations and commitments relating to the safety of journalists;

(g) Putting in place safe gender-sensitive preventive measures and investigative procedures in order to encourage women journalists to report offline and online attacks against them, and providing adequate support, including psychosocial support, to victims and survivors;

(h) Ensuring better internal coordination and sharing of information, in particular within and between relevant ministries, law enforcement and the judiciary at the local and national levels;

(i) Signing and ratifying the international and regional human rights instruments relevant to the safety of journalists;

(j) Implementing more effectively the applicable legal framework for the protection of journalists and media workers, relevant resolutions adopted by United Nations bodies and regional intergovernmental organizations, as well as the recommendations made by the treaty bodies, the special procedures and in the context of the universal periodic review relating to the safety of journalists;

(k) Integrating the safety of journalists and media freedom into national development frameworks under the 2030 Agenda for Sustainable Development;

10. *Also urges* States to bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law, and to review and where necessary repeal or amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

11. *Calls upon* States to ensure that measures to combat terrorism and preserve national security or public order are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention, or the threat thereof;

12. *Also calls upon* States to ensure that defamation and libel laws are not misused, in particular through excessive criminal sanctions, to illegitimately or arbitrarily censor journalists and interfere with their mission of informing the public, and where necessary to revise and repeal such laws, in compliance with States' obligations under international human rights law;

13. *Further calls upon* States to protect in law and in practice the confidentiality of journalists' sources, including whistle-blowers, in acknowledgement of the essential role of journalists and those who provide them with information in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided for in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

14. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and in this regard calls upon States to comply with their obligations under international human rights

law and not to interfere with the use of such technologies, and to refrain from employing unlawful or arbitrary surveillance techniques, including through hacking;

15. *Calls upon* States to tackle gender-based discrimination, including sexual and gender-based violence, threats, intimidation, harassment and incitement to hatred against women journalists, online and offline, as part of broader efforts to promote and protect the human rights of women, eliminate gender inequality and tackle gender-based stereotypes in society;

16. *Encourages* States and all other relevant stakeholders to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

17. *Emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, in particular for journalists on dangerous assignments, together with protective equipment and insurances, where necessary;

18. *Recognizes* the important contribution of the promotion and protection of the safety of journalists in the realization of target 16.10 of the Sustainable Development Goals, and calls upon States to strengthen national data collection, analysis and reporting on the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, torture and other harmful acts against journalists and associated media personnel, in accordance with Sustainable Development Goal indicator 16.10.1, and to do their utmost to make these data available to the relevant entities, in particular the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization;

19. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special procedures of the Human Rights Council, treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

20. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

21. *Invites* States to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

22. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

23. *Decides* to continue its consideration of the safety of journalists in accordance with its programme of work.

39th meeting
27 September 2018

[Adopted without a vote.]

39/7. Local government and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolutions 24/2 of 26 September 2013, 27/4 of 25 September 2014 and 33/8 of 29 September 2016 on the role of local government in the promotion and protection of human rights,

Recalling further General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and its commitments to working tirelessly for full implementation of the Agenda by 2030 at all levels,

Underscoring the significant contribution that local government can make to the implementation of the Sustainable Development Goals and their targets,

Bearing in mind that the Sustainable Development Goals are integrated and indivisible, balance the three dimensions of sustainable development — economic, social and environmental — and are aimed at realizing the human rights of all and at achieving gender equality and the empowerment of all women and girls,

Bearing in mind also that human rights and fundamental freedoms are the birthright of all human beings, and that their protection and promotion is the first responsibility of Governments,

Recognizing the role of local government in the promotion and protection of human rights, without any prejudice to the primary responsibility of the national Government in this regard,

Recognizing also that local government has different forms and functions in every State, in accordance with the constitutional and legal system of the State concerned,

Recognizing further that, given its proximity to people and being at the grass-roots level, one of the important functions of local government is to provide public services that address local needs and priorities related to the realization of human rights at the local level,

Underlining that the promotion of a human rights culture within public services, and public servants' knowledge, training and awareness, play a vital role in promoting respect for and the realization of human rights in society, and stressing the importance in this regard of human rights education and training for public servants at the local government level,

Underlining also that the expertise and knowledge of local government officials are an important asset in the provision of public services and the promotion and protection of human rights and fundamental freedoms at the local government level, and in the implementation of the pledge in the 2030 Agenda for Sustainable Development to leave no one behind,

Recognizing that, despite improvements in several countries, in some instances local stakeholders can face challenges in participating in local government programmes,

Noting relevant international and regional initiatives to promote human rights at the local level, and the role of local governments in the implementation of such initiatives,

Reaffirming the crucial role that the national Government can play in promoting a positive contribution by local government to the implementation of the 2030 Agenda with regard to the promotion and protection of human rights,

1. *Takes note with appreciation* of the summary report on the intersessional panel on the role of local government in the promotion and protection of human rights;[14]

2. *Encourages* the interaction and exchange of knowledge between local government and local stakeholders, including, inter alia, local civil society, in the formulation and implementation of local government programmes, with the aim of achieving the Sustainable Development Goals through the promotion of a human rights culture within public services;

3. *Encourages* local governments to ensure the participation of local stakeholders in local government activities and in public affairs in efforts to promote and protect human rights at the local level;

4. *Requests* the United Nations High Commissioner for Human Rights to prepare a report, in consultation with all States and relevant intergovernmental organizations, United Nations agencies, funds and programmes, relevant special procedures of the Human Rights Council, the Advisory Committee, the treaty bodies, national human rights institutions, civil society, including non-governmental organizations, and local governments, on effective methods to foster cooperation between local government and local stakeholders for the effective promotion and protection of human rights at their level through local government programmes, including raising awareness of the Sustainable Development Goals, and to indicate the major challenges and best practices in this regard, and to submit the report to the Council prior to its forty-second session;

5. *Decides* to remain seized of the matter.

39th meeting
27 September 2018

[Adopted without a vote.]

39/8. The human rights to safe drinking water and sanitation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the human right to safe drinking water and sanitation as essential for the full enjoyment of the right to life and all other human rights,

Reaffirming all previous resolutions of the Human Rights Council and the General Assembly on the human rights to safe drinking water and sanitation, inter alia, Council resolution 33/10 of 29 September 2016 and Assembly resolution 72/178 of 19 December 2017,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, including the right to development,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", ensuring to leave no one behind,

[14] A/HRC/38/22.

Recalling that the 2030 Agenda for Sustainable Development covers the issue of the human rights to safe drinking water and sanitation and other water-related Sustainable Development Goals, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, which comprises important targets relating to the human rights to safe drinking water and sanitation, as well as health and hygiene, and acknowledges the need for an integrated approach to Goal 6 that reflects the interlinkages between achieving universal and equitable access to safe drinking water, sanitation and hygiene, while also striving to improve the quality and safety of water, reduce the number of people suffering from water scarcity and ensure special attention to the needs and rights of women and girls,

Recalling also General Assembly resolution 71/222 of 21 December 2016, by which the Assembly proclaimed the period from 2018 to 2028 the International Decade for Action, "Water for Sustainable Development",

Recalling further the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at the 2014 high-level meeting of the Sanitation and Water for All partnership and in the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth African Conference on Sanitation and Hygiene in 2015, the Dhaka Declaration, adopted at the sixth South Asian Conference on Sanitation in 2016, the Lima Declaration, adopted at the fourth Latin American and Caribbean Conference on Sanitation in 2016, and the Dar es Salaam road map for achieving the Ngor commitments on water security and sanitation in Africa, adopted at the sixth Africa Water Week in 2016, and noting the Budapest Water Summit 2016 and its recommendations, the call for action of the high-level symposium on the theme "Sustainable Development Goal 6 and targets: ensuring that no one is left behind in access to water and sanitation", held in Dushanbe in 2016, the seventh South Asian Conference on Sanitation, held in Islamabad in 2018, and the High-level International Conference on the International Decade for Action "Water for Sustainable Development", held in Dushanbe in 2018,

Welcoming the work of the World Health Organization and the United Nations Children's Fund in the 2017 update published by their Joint Monitoring Programme for Water Supply and Sanitation,

Welcoming also the fact that, according to a report by the Joint Monitoring Programme for Water Supply and Sanitation in 2015, an estimated 71 per cent of the global population uses a safely managed drinking water service system, while being deeply concerned, however, that 12 per cent of the global population still lacks even a basic drinking water system,

Deeply concerned that 844 million people lack a basic water service, 2.1 billion people lack access to safe drinking water that is available when needed and free from contamination in their homes, 4.5 billion people lack access to safely managed sanitation and 892 million people still practise open defecation,

Welcoming the fact that the Joint Monitoring Programme for Water Supply and Sanitation has established an extensive global database and has been instrumental in developing global norms to benchmark progress, while taking into consideration the fact that official figures do not always capture all the dimensions of the human rights to water and sanitation,

Deeply concerned that the lack of access to safe drinking water and sanitation and hygiene underlies severe human costs, such as poor health and high mortality rates, and major economic losses, and affirming that affordability, accessibility, availability and quality, as human rights criteria ensuring the rights to safe drinking water and sanitation, require, inter alia, that water, sanitation and hygiene facilities and services are within the safe physical reach of all sections of the population without discrimination of any kind and are accessible at a price that is affordable to all,

Expressing concern that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights, including the human rights to safe drinking water and sanitation,

Deeply concerned that women and girls often face particular barriers in their enjoyment of the rights to safe drinking water and sanitation, which are exacerbated in humanitarian crises, and that they shoulder the main burden of collecting household water in many parts of the world, which constitutes a major impediment to the achievement of their economic empowerment, independence and social and economic development,

Deeply concerned also that widespread silence and stigma surrounding menstruation and menstrual hygiene mean that women and girls often lack basic information thereon, are excluded and stigmatized and are thus prevented from realizing their full potential,

Deeply concerned further that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, workplaces, health centres, and public facilities and buildings, negatively affects gender equality and women's and girls' enjoyment of human rights, including the rights to education, health, safe and healthy working conditions and to participate in public affairs,

Deeply concerned that women and girls are particularly at risk of and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside their homes, or practising open defecation,

Deeply alarmed that water, sanitation and hygiene-related diseases have a disproportionate impact on children and that, in humanitarian crises, including in times of conflict or natural disasters, children suffer the most from interruptions in water and sanitation services, and underscoring that progress on reducing child mortality, morbidity and stunting is linked to children's and women's access to safe drinking water and sanitation services,

Reaffirming the responsibility of States to ensure the respect, promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health and to the right to life and human dignity,

Reaffirming the importance of eliminating discrimination and inequalities in the enjoyment of the human rights to safe drinking water and sanitation on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds, and with a view to eliminating discrimination and inequalities based on factors such as rural-urban disparities, substandard housing, income levels or other relevant considerations,

Affirming the importance of national programmes and policies in ensuring the progressive realization of the human rights to safe drinking water and sanitation,

Stressing the importance of monitoring and reporting on the implementation of the Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all,

Affirming the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation without any prejudice to questions of international water law, including international watercourse law,

Recognizing the important role that civil society plays at the local, national, regional and international levels in facilitating the achievement of the purposes and principles of the United Nations, fundamental freedoms and human rights, including the human rights to safe drinking water and sanitation,

1. *Reaffirms* that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation

entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are essential and components of the right to an adequate standard of living;

2. *Welcomes* the work of the Special Rapporteur on the human rights to safe drinking water and sanitation, and takes note with appreciation of his report on the theme of the human rights to water and sanitation of forcibly displaced persons;[15]

3. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the rights to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

4. *Also reaffirms* that the human rights to safe drinking water and sanitation are interrelated, but have features that warrant distinct treatment in order to address specific challenges in their implementation;

5. *Stresses* the important role of international cooperation and technical assistance by States, specialized agencies of the United Nations system and international and development partners and donor agencies, in particular in the timely achievement of the relevant Sustainable Development Goals, and urges development partners to adopt a human rights-based approach when designing, implementing and monitoring development programmes in support of national initiatives and plans of action relating to the rights to safe drinking water and sanitation;

6. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, including the human rights to safe drinking water and sanitation, and in this regard of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights with a view to ensuring justice for all for violations in the context of the realization of the rights to safe drinking water and sanitation as essential and components of the right to an adequate standard of living, including taking the measures necessary to ensure that women and girls and persons at risk have equal access to effective remedies;

7. *Notes with concern* that, in spite of all efforts, gender inequalities still exist in the realization of the human rights to safe drinking water and sanitation;

8. *Calls upon* States:

(a) To implement the internationally agreed Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, in accordance with their obligations under international law;

(b) To ensure the progressive realization of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for persons at risk and marginalized groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds;

(c) To monitor continuously and analyse regularly the status of the realization of the human rights to water and sanitation and to enhance efforts to improve the availability, accessibility, quality and use of water-related data at the local, national and regional levels, and to develop disaggregated and gender-responsive indicators and monitoring mechanisms;

(d) To promote both women's leadership and their full, effective and equal participation in decision-making on water and sanitation management, to ensure that a gender-based approach is adopted in relation to water and sanitation programmes, including measures to reduce the time spent by women and girls in collecting household water, in

[15] A/HRC/39/55.

order to address the negative impact of inadequate water and sanitation services on the access of girls to education, to protect women and girls from being physically threatened or assaulted, including from sexual violence, while collecting household water and when accessing sanitation facilities outside of their home or practising open defecation, to protect women's and girls' equal access to water and sanitation and to take positive measures to guarantee the availability and accessibility of these rights;

(e) To address the widespread stigma and shame surrounding menstruation and menstrual hygiene by ensuring access to factual information thereon, addressing the negative social norms around the issue and ensuring universal access to hygienic products and gender-sensitive facilities, including disposal options for menstrual products;

(f) To make efforts to mitigate the disproportionate impact of water-, sanitation- and hygiene-related diseases on children and reduce child mortality, morbidity and stunting by ensuring the progressive realization of the human rights to safe drinking water and sanitation;

(g) To consult and coordinate with local communities and other stakeholders, including civil society and the private sector, on adequate solutions to ensure sustainable access to safe drinking water and sanitation;

(h) To provide for effective accountability mechanisms to ensure that all water and sanitation service providers, including private sector providers, respect human rights and do not cause or contribute to human rights violations or abuses;

9. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of the mandate;

11. *Decides* to continue its consideration of this matter under the same agenda item at its forty-second session.

39th meeting
27 September 2018

[Adopted by a recorded vote of 44 to 1, with 2 abstentions. The voting was as follows:

In favour:

Angola, Australia, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Croatia, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Georgia, Germany, Hungary, Iceland, Iraq, Japan, Kenya, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

Kyrgyzstan

Abstaining:

Afghanistan, Ethiopia]

39/9. The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reiterating the Vienna Declaration and Programme of Action, which reaffirms the right to development as a universal and inalienable right and an integral part of every human right,

Reaffirming Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Council and General Assembly resolutions on the right to development, the most recent being Council resolution 36/9 of 28 September 2017 and Assembly resolution 72/167 of 19 December 2017,

Recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development,

Welcoming the seventeenth Summit of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, and recalling previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a legally binding instrument on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

Emphasizing the urgent need to make the right to development a reality for everyone,

Emphasizing also that all human rights and fundamental freedoms, including the right to development, can only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and in this regard underlining the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally, and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Welcoming the adoption of the 2030 Agenda for Sustainable Development and its means of implementation, and emphasizing that the 2030 Agenda is informed by the Declaration on the Right to Development and that the right to development provides a vital enabling environment for the full realization of the Sustainable Development Goals,

Recognizing that achieving the internationally agreed development goals, including the unmet Millennium Development Goals, the Sustainable Development Goals and climate change-related goals, requires effective policy coherence and coordination,

Recognizing also that hunger and extreme poverty, in all its forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication, and therefore calling upon the international community to contribute to the achievement of that goal, in accordance with the Sustainable Development Goals,

Recognizing further that inequality is a major obstacle to the realization of the right to development within and across countries,

Recognizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is one of the critical elements in the promotion and realization of the right to development and is the greatest global challenge and an indispensable requirement for sustainable development, which requires a multifaceted and integrated approach, and reiterating the need to achieve sustainable development in its three dimensions, economic, social and environmental, in a balanced and integrated manner,

Expressing concern about the increasing number of cases of human rights violations and abuses by transnational corporations and other business enterprises, underlining the need to ensure that appropriate protection, justice and remedies are provided to the victims of human rights violations and abuses resulting from the activities of those entities, and underscoring the fact that they must contribute to the means of implementation for the realization of the right to development,

Emphasizing that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated,

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable and sustainable national and international order and the promotion and protection of all human rights and fundamental freedoms,

Noting the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, and into development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development and the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level,

Encouraging all Member States to engage constructively in discussions for the full implementation of the Declaration on the Right to Development with a view to overcoming the existing political impasse within the Working Group on the Right to Development,

Reaffirming that the thirtieth anniversary of the Declaration on the Right to Development presented a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group on the Right to Development and to support the efforts of Member States to realize fully the right to development, including in the context of the implementation of the Sustainable Development Goals,

Reaffirming Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge the duties of the mandate in accordance with those resolutions and the annexes thereto,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;[16]

2. *Requests* the High Commissioner to continue to submit to the Human Rights Council an annual report on the activities of the Office of the High Commissioner, including on inter-agency coordination within the United Nations system that have direct relevance to the realization of the right to development, and to provide an analysis of its implementation, taking into account existing challenges and making recommendations on how to overcome them, in her next annual report;

3. *Urges* the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group on the Right to Development;

4. *Requests* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, in collaboration with the Special Rapporteur on the right to development, and to provide regular updates to the Human Rights Council in this regard;

5. *Recognizes* the need for renewed efforts towards intensifying deliberations in the Working Group to fulfil, at the earliest, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4;

6. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

7. *Welcomes* the celebrations held in 2016 to commemorate the thirtieth anniversary of the Declaration on the Right to Development, including the annual high-level panel discussion on human rights mainstreaming, with the theme "The 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development", convened at the thirty-first session of the Human Rights Council, the panel discussion on the promotion and protection of the right to development, convened at the thirty-second session of the Council, and the high-level segment of the General Assembly to commemorate the thirtieth anniversary of the Declaration on the Right to Development, held at the seventy-first session of the Assembly, which provided a unique opportunity to Member States to demonstrate and reiterate their political commitment, to accord the right to development the great attention it deserves and to redouble their efforts towards the realization of the right to development;

8. *Also welcomes* the report of the Chair-Rapporteur of the Working Group on the Right to Development on its nineteenth session;[17]

9. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session[18] that are congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

---

[16] A/HRC/39/18.

[17] A/HRC/39/56.

[18] See E/CN.4/2002/28/Rev.1.

10. *Welcomes* the re-election of the Chair-Rapporteur of the Working Group and the skill with which he led the discussions at the nineteenth session;

11. *Notes* the presentation to the Working Group at its nineteenth session of the set of standards for the implementation of the right to development prepared by the Chair-Rapporteur of the Working Group,[19] which is a useful basis for further deliberations on the implementation and realization of the right to development;

12. *Acknowledges* the preparation by the secretariat of a paper containing comments and views submitted by Governments, groups of Governments, regional groups and stakeholders on the criteria and operational subcriteria of the right to development;[20]

13. *Acknowledges with appreciation* the proposal by the Movement of Non-Aligned Countries on a set of standards regarding the implementation and realization of the right to development[21] and its further contributions aimed at finalizing the criteria and subcriteria of the right to development;[22]

14. *Requests* the High Commissioner to facilitate the participation of experts in the twentieth session of the Working Group, to provide advice with a view to contributing to discussions on the implementation and realization of the right to development, including the implications of the 2030 Agenda, and looks forward to the possible engagement of the Working Group with the high-level political forum on sustainable development;

15. *Welcomes* the report of the Special Rapporteur on the right to development submitted to the Human Rights Council,[23] and requests him to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

16. *Also welcomes* the consultations with States and the regional consultations already held by the Special Rapporteur on the implementation of the right to development;

17. *Decides*:

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the remaining Millennium Development Goals and the Sustainable Development Goals, and in this regard lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(b) To endorse the recommendations of the Working Group adopted at its nineteenth session;

(c) That the Working Group shall take into account Human Rights Council resolutions 9/3 and 36/9;

(d) That the Working Group shall invite the Special Rapporteur, in consultation with Member States, to provide his views on the work of the Working Group and its relevant agenda items, at its twentieth session;

(e) That the Working Group at its twentieth session shall commence the discussion to elaborate a draft legally binding instrument on the right to development through a collaborative process of engagement, including on the content and scope of the future instrument;

(f) That the Chair-Rapporteur of the Working Group shall prepare a draft legally binding instrument on the basis of the discussions held during the twentieth session of the Working Group and the resource material from previous Working Group sessions to serve

[19] A/HRC/WG.2/17/2.
[20] A/HRC/WG.2/18/CRP.1.
[21] A/HRC/WG.2/18/G/1.
[22] See A/HRC/WG.2/18/CRP.1.
[23] A/HRC/39/51.

as a basis for substantive negotiations on a draft legally binding instrument, commencing at its twenty-first session;

18. *Requests* the Human Rights Council Advisory Committee, while taking into account the views of Member States, to prepare a research-based report on the importance of a legally binding instrument on the right to development, to present an oral update on the preparation of the report to the Council at its forty-second session, and to present the report to the Council at its forty-fifth session;

19. *Requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda, including the high-level political forum on sustainable development, financing for development, climate change and disaster risk reduction, with a view to enhancing the integration of the right to development into these forums and dialogues, and requests Member States, international organizations, United Nations agencies, regional economic commissions and other relevant organizations to facilitate the meaningful participation of the Special Rapporteur in these forums and dialogues;

20. *Invites* the Special Rapporteur to provide advice to States, international financial and economic institutions and other relevant entities, the corporate sector and civil society on measures to achieve the goals and targets relating to the means of implementation of the 2030 Agenda for the full realization of the right to development;

21. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, such as the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda, to contribute further to the work of the Working Group and to cooperate with the High Commissioner and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development;

22. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.

39th meeting
27 September 2018

[Adopted by a recorded vote of 30 to 12, with 5 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Iceland, Japan, Mexico, Panama, Republic of Korea]

39/10. Preventable maternal mortality and morbidity and human rights in humanitarian settings

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international instruments, including the International Covenant on Economic, Social and

Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities,

Recalling the Geneva Conventions of 12 August 1949, the Additional Protocols thereto of 8 June 1977, and the Convention relating to the Status of Refugees,

Recalling also General Assembly resolution 72/132 of 11 December 2017 on international cooperation on humanitarian assistance in the field of natural disasters, from relief to development,

Recognizing that preventing maternal mortality and morbidity is one of the human rights priorities for all States, and reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling previous Human Rights Council resolutions on preventable maternal mortality and morbidity and human rights,

Reaffirming the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and their review conferences and outcome documents, and reaffirming also the resolutions and agreed conclusions of the Commission on the Status of Women and the resolutions of the Commission on Population and Development,

Recalling the Secretary-General's renewed Global Strategy on Women's, Children's and Adolescents' Health, and recognizing the important role it can play in reducing preventable maternal mortality and morbidity,

Welcoming the efforts of the World Health Organization, the United Nations Population Fund and other United Nations agencies, funds and programmes, within their respective mandates, to prevent maternal mortality and morbidity, and recalling the global commitment to the reduction of maternal mortality and to promote sexual and reproductive health and reproductive rights, in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and their review conferences and outcome documents,

Taking note of the efforts of the Inter-agency Working Group on Reproductive Health in Crises of the Inter-agency Standing Committee Reference Group on Principled Humanitarian Action to expand and strengthen access to quality sexual and reproductive health-care services for people in humanitarian settings,

Taking note also of the report and the recommendations of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents,[24] the cooperation framework between the World Health Organization and the Office of the United Nations High Commissioner for Human Rights and that between the Office of the High Commissioner and the United Nations Population Fund, and also of the draft articles on the protection of persons in the event of disasters, adopted by the International Law Commission,[25]

Recognizing the importance of strengthening coordination between all relevant United Nations agencies, entities providing humanitarian assistance and civil society organizations in accordance with their respective mandates, and the need for States to ensure fully respect for and the protection and fulfilment of sexual and reproductive health and reproductive rights, in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and their review conferences and outcome documents, in reducing preventable maternal mortality and morbidity in humanitarian settings,

---

[24] *Leading the Realization of Human Rights to Health and through Health*, report of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents (Geneva, World Health Organization, 2017).

[25] See A/71/10.

Acknowledging that international humanitarian law and international human rights law are complementary and mutually reinforcing, and recognizing that persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law,

Reaffirming that States have an obligation to take steps to achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, free from discrimination, including in humanitarian settings,

Recognizing that a human rights-based approach to the elimination of preventable maternal mortality and morbidity is underpinned by the principles of, inter alia, accountability, participation, transparency, empowerment, sustainability, non-discrimination and international cooperation,

Stressing that reducing maternal mortality and morbidity with full respect of States' human rights obligations and commitments will require integrated efforts across the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and in the means of implementation of the 2030 Agenda,

Recognizing that respect for and the protection and fulfilment of the full enjoyment of human rights by all women and girls and the full implementation of all Goals and targets of the 2030 Agenda, including Goal 5 on achieving gender equality and empower all women and girls and target 3.1 on reducing global maternal mortality, are interrelated and mutually reinforcing,

Recognizing also that sexual and reproductive health and reproductive rights are integral to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that comprehensive sexual and reproductive health-care services must have the interrelated and essential elements of availability, accessibility, acceptability and quality, on the basis of non-discrimination and formal and substantive equality, including by addressing multiple and intersecting forms of discrimination,

Deeply concerned that there are continuing violations of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, which have a negative impact on rates of maternal mortality and morbidity, and that the full enjoyment of this right remains a distant goal for many women and girls throughout the world,

Recognizing that violations of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, such as inadequate emergency obstetric services and unsafe abortion, can cause high levels of maternal morbidity, including obstetric fistula, leading to ill health and death for women and girls of childbearing age in many regions of the world, and particularly in humanitarian settings, and that a dramatic and sustainable scaling up of quality treatment and health-care services, including high-quality emergency obstetric services and also of the number of trained, competent fistula surgeons and midwives, is needed to significantly reduce maternal and new-born mortality and to eradicate obstetric fistula,

Recognizing also that humanitarian settings may exacerbate pre-existing patterns and structures of discrimination and inequalities and further undermine access to health care, information and services, housing, water, sanitation, education and employment for women and girls, and that in affected areas access to essential services, such as health-care services, including sexual and reproductive health-care services, is disrupted owing to inadequate infrastructure, lack of professional health-care workers, basic medicines and health-care supplies and survivor-centred referral pathways for all survivors of sexual and gender-based violence,

Recognizing further that, in humanitarian settings, disintegrating judicial systems, gender-based discrimination and discrimination against refugees in host countries, fear of reprisals against their families or themselves, and the stigma associated with sexual and gender-based violence all prevent women and girl survivors of sexual and gender-based

violence and those denied access to sexual and reproductive health-care services from reporting sexual violence and seeking justice, accountability and remedies for the violations they have endured,

Deeply concerned that women and girls living in humanitarian settings are disproportionately exposed to a high risk of violation of their rights, including through trafficking, sexual and gender-based violence, systematic rape, sexual slavery, forced sterilization, forced pregnancy, harmful practices such as child, early and forced marriage, and lack of accessible and appropriate sexual and reproductive health-care services, evidence-based information and education, including comprehensive sexuality education consistent with the evolving capacities of the child, lack of access to perinatal care, including skilled birth attendance, and emergency obstetric care, poverty, underdevelopment, all types of malnutrition, lack of access to medicines and medical equipment, human and material shortages facing health-care systems, humanitarian and funding shortages affecting hospitals, technical assistance, capacity-building and training needs, and lack of access to water and sanitation, resulting in heightened risks of unwanted pregnancies, unsafe abortion and maternal mortality and morbidity,

Reaffirming that human rights include the right to have control over and to decide freely and responsibly on matters relating to sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships in matters of sexual relations and reproduction, including full respect for dignity, integrity and bodily autonomy, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing that there are large disparities in maternal mortality and morbidity rates between countries, but also within countries, and between women and girls facing multiple and intersecting forms of discrimination, and noting with concern that the risk of maternal mortality is higher for adolescents and highest for adolescent girls under 15 years of age, and that complications in pregnancy and childbirth are a leading cause of death among adolescent girls in developing countries, which creates the need to address all social, economic and environment determinants of health in order to reduce the aforementioned disparities,

Deeply concerned that in countries affected by humanitarian situations, the estimated lifetime risk of maternal mortality is 1 in 54 compared to 1 in 180 globally, and that the majority of preventable maternal deaths have occurred in settings of armed conflict, natural disasters and displacement,

Convinced that greater political will and commitment, international cooperation and technical assistance at all levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity, both globally and in humanitarian settings, and that the integration of a human rights-based approach to the provision of sexual and reproductive health-care services can contribute positively to the common goal of reducing that rate,

Recognizing the need for further disaggregated data on maternal mortality and morbidity rates and for access to sexual and reproductive health-care services in humanitarian settings,

Acknowledging that the failure to prevent maternal mortality and morbidity is one of the most significant barriers to the empowerment of women and girls in all aspects of life, the full enjoyment of their human rights, their ability to reach their full potential and to sustainable development in general, and recognizing the need to bridge the humanitarian-development divide,

1. *Urges* all States to eliminate preventable maternal mortality and to respect, protect and fulfil sexual and reproductive health and reproductive rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and their review conference and outcome documents, and the right to have full control over and decide freely and responsibly on all matters relating to sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development

and enforcement of policies, good practices and legal frameworks that respect bodily autonomy and guarantee universal access to sexual and reproductive health-care services, evidence-based information and education within a human rights-based approach, including for family planning, safe and effective methods of modern contraception, emergency contraception, universal access to health care, including quality maternal health care, such as skilled birth attendance and emergency obstetric care, safe abortion in accordance with international human rights law and where not against national law, the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and the integration of sexual and reproductive health into national health strategies and programmes for all women and girls, including adolescents;

2. *Urges* States, in accordance with obligations under relevant provisions of international human rights law, including the right to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, to ensure the availability, accessibility, acceptability and quality of health-care services, including mental health care and psychosocial services and sexual and reproductive health-care services, free of coercion, discrimination and violence;

3. *Calls upon* States to pay special attention to the particular situation of adolescent girls in humanitarian settings who may have to assume adult responsibilities and are exposed to higher risks of sexual and gender-based violence, child, early and forced marriage and trafficking, and are likely to be denied education, skills training, safe employment opportunities and access to sexual and reproductive health-care services and information, and to face isolation, discrimination and stigma, mental health issues and risk-taking behaviour;

4. *Encourages* all stakeholders to consider promoting and using the Inter-Agency Standing Committee's Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action, the its Gender Handbook and the Inter-agency Field Manual on Reproductive Health in Humanitarian Settings, and to ensure delivery of the Minimum Initial Service Package for Reproductive Health at the onset of humanitarian emergencies, with particular attention to women and girls facing multiple and intersecting forms of discrimination and in situations of vulnerability, and to ensure a transition, as soon as possible, towards comprehensive sexual and reproductive health-care services, information and evidence-based education;

5. *Encourages* Governments, local authorities, the United Nations system and regional organizations, and invites donors and other assisting countries, to address the vulnerabilities and capacities of women and girls through gender-responsive programming, including with regard to sexual and reproductive health needs and the means to address sexual and gender-based violence and various forms of exploitation during emergencies and in post-disaster environments, and the allocation of resources in their disaster risk reduction, response and recovery efforts in coordination with the Governments of affected countries;

6. *Strongly urges* States and all parties to armed conflict to take effective measures to prevent and address acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively assigned to medical duties, their means of transport and equipment, as well as hospitals and other medical facilities in armed conflict, including through the development of domestic legal frameworks to ensure respect for their relevant international legal obligations;

7. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the follow-up on the application of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity,[26] and encourages all stakeholders to consider the recommendations contained therein;

8. *Requests* States and other relevant actors to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and international assistance and cooperation arrangements, including by strengthening technical

[26] A/HRC/39/26.

cooperation to address maternal mortality and morbidity, including through the transfer of expertise, technology and scientific data and exchanging good practices with developing countries, while honouring existing commitments, and to integrate a human rights-based perspective into such initiatives, addressing the impact that discrimination against women and girls has on maternal mortality and morbidity;

9. *Urges* States to ensure that laws, policies and practices respect women's bodily autonomy and privacy and the equal right to decide autonomously in matters regarding their own lives and health by bringing laws and policies concerning sexual and reproductive health, including international assistance policies, into line with international human rights law and repealing discriminatory laws relating to third-party authorization for health information and health-care services, and combating gender stereotypes, norms and behaviours that are discriminatory;

10. *Also urges* States to ensure access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws aimed at preventing violations of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, including those aimed at preventing maternal mortality and morbidity, including in humanitarian settings, such as by informing women of their rights under relevant international and domestic law and by improving legal and health infrastructure and removing all barriers in access to legal counselling, assistance and remedies;

11. *Further urges* States to ensure accountability and gender-sensitive, prompt and effective remedies for the violation of the rights of women and girls in relation to maternal mortality and morbidity in humanitarian settings by including transparent forms of monitoring, review and oversight of humanitarian programmes and policies, including the monitoring of inequities;

12. *Calls upon* States to support gender equality and women's rights and the rights of the child, including within families, through awareness-raising initiatives, including in schools and in displaced and refugee camps and settlements, especially education and public awareness-raising, including through the media and online, the incorporation of curricula on all women's and girls' rights into teacher training courses, including the prevention of sexual and gender-based violence and discrimination, and ensuring universal access to evidence-based comprehensive sexuality education consistent with the evolving capacities of the child;

13. *Urges* States and encourages other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels, utilizing a comprehensive human rights-based approach to address the interlinked causes of maternal mortality and morbidity, such as lack of accessible, affordable and appropriate health-care services for all, and of information and education, lack of access to medicine and medical equipment, all types of malnutrition, lack of access to safe drinking water and sanitation, poverty, underdevelopment, human and material shortages facing health-care systems, humanitarian and funding shortages affecting hospitals, technical assistance, capacity-building and training needs, harmful practices, including child, early and forced marriage and female genital mutilation, early childbearing, gender-based inequalities and all forms of discrimination and violence against women and girls, to take concrete measures to eliminate all forms of violence against women and girls, especially adolescent girls, and to ensure access to accountability for survivors of sexual and gender-based violence, including effective reparations and guarantees of non-recurrence, such as the prosecution of sexual and gender-based violence committed in humanitarian settings, while ensuring the meaningful and effective participation of women and girls in the relevant processes;

14. *Calls upon* all relevant actors, including Governments, regional organizations, relevant United Nations agencies, national human rights institutions, entities providing humanitarian assistance and civil society organizations to, within their respective mandates, strengthen their efforts to reduce preventable maternal mortality and morbidity in humanitarian settings when designing, implementing and reviewing policies and evaluating programmes to reduce preventable maternal mortality and morbidity, while ensuring the meaningful participation of women and girls in all decisions that affect them;

15. *Calls upon* States to ensure a more holistic and coordinated approach to the humanitarian-development nexus that places the individual woman and girl at the centre of humanitarian preparedness and response, and recognizes the need to overcome siloed approaches and fragmented programming;

16. *Also calls upon* States to ensure the effective and meaningful participation of women and girls, including through civil society and feminist networks and women's rights organizations, in identifying and determining needs, priorities for funding and service, processes for access and delivery, and crisis response, in recognition of their agency;

17. *Urges* States to strengthen their statistical capacity and to promote reliable transparent, collaborative and disaggregated data collection on the availability, accessibility, acceptability and quality of sexual and reproductive health-care services for all women and girls in affected populations, including host populations;

18. *Invites* States to consider the systematic integration of sexual and reproductive health as an integral part of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health into the mandates of investigative bodies established by the Human Rights Council, including commissions of inquiry and fact-finding missions, and to address human rights violations suffered by women in humanitarian settings;

19. *Requests* the High Commissioner to prepare, from within existing resources, in consultation with States, United Nations agencies and all other relevant stakeholders, a follow-up report on good practices and challenges to respecting, protecting and fulfilling all human rights in the elimination of preventable maternal mortality and morbidity, including through the utilization of the technical guidance by States and other relevant actors, including the United Nations Population Fund, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the World Health Organization, and to present it to the Human Rights Council at its forty-fifth session;

20. *Also requests* the High Commissioner, in collaboration with the Inter-agency Working Group on Reproductive Health in Crises, the United Nations Population Fund, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women and other United Nations specialized agencies, funds and programmes, international human rights mechanisms, entities providing humanitarian assistance and civil society organizations, to organize a two-day meeting in 2019 to discuss good practices, gaps and challenges in the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity in humanitarian settings, and to submit a summary report thereon to the Human Rights Council at its forty-second session;

21. *Decides* to remain seized of the matter.

39th meeting
27 September 2018

[Adopted without a vote.]

39/11. Equal participation in political and public affairs

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all relevant General Assembly and Human Rights Council resolutions on participation in political and public affairs, in particular Council resolutions 24/8 of 26

September 2013 on equal political participation, and 27/24 of 26 September 2014, 30/9 of 1 October 2015 and 33/22 of 30 September 2016,

Emphasizing the critical importance of equal and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic development and advancing gender equality and empowerment of women and girls, as well as for the realization of all human rights and fundamental freedoms,

Welcoming the contributions of Member States and other stakeholders to the drafting of the guidelines on the effective implementation of the right to participate in public affairs, both through their written submissions and their participation in regional consultations,

Acknowledging the work of the Office of the United Nations High Commissioner for Human Rights in preparing the draft guidelines on the effective implementation of the right to participate in public affairs,[27] presented to the Human Rights Council by the Office of the High Commissioner, and taking note with interest of the draft guidelines,

1. *Presents* these guidelines as a set of orientations for States, as well as for, where appropriate, other relevant stakeholders in relation to the effective implementation of the right to participate in public affairs;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate and promote the use of the guidelines and to provide technical cooperation and capacity-building to States upon their request regarding the use of the guidelines;

3. *Also requests* the Office of the High Commissioner to prepare, in consultation with States and all other relevant stakeholders, a follow-up report on good practices and challenges faced by States in using the guidelines, and to present it to the Human Rights Council at its forty-eighth session;

4. *Encourages* Governments, local authorities, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions to give due consideration to the guidelines in the formulation and implementation of their policies and measures concerning equal participation in political and public affairs.

40th meeting
28 September 2018

[Adopted without a vote.]

39/14. Situation of human rights in Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolutions 30/27 of 2 October 2015, S-24/1 of 1 December 2015, 33/24 of 30 September 2016, 36/2 of 28 September 2017 and 36/[illegible] of [illegible] September 2017,

Recalling Security Council resolutions 2248 (2015) of 12 November 2015, 2279 (2016) of 2 [illegible] 2016 and 2303 (2016) of 29 July 2016,

Reaffirming that States have the primary responsibility to respect, protect and fulfil all human rights and fundamental freedoms,

[27] A/HRC/39/28.

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population in compliance with the rule of law, human rights law and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and national unity of Burundi,

Recalling the Arusha Peace and Reconciliation Agreement for Burundi, which provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy, good governance, pluralism and the rule of law,

Considering that the international community, including the Human Rights Council, can play a relevant role in preventing human rights violations and abuses and in mitigating the risk of escalation of conflict and deterioration in humanitarian situations,

Noting the constitutional referendum of 17 May 2018, which was held in a climate of intimidation and repression,

Welcoming the announcement of the President of Burundi not to run in the presidential election in 2020 as an encouraging sign contributing to opening up public and democratic space ahead of the election and to attaining a rule-based change of power,

Welcoming also the efforts of the facilitator for the inter-Burundi dialogue led by the East African Community, President Benjamin William Mkapa, and the mediator, President Yoweri Museveni, and the renewed commitment expressed by the Heads of State at the nineteenth ordinary summit of the East African Community on 23 February 2018 to a peaceful resolution of the political situation in Burundi by opening up political space and through inclusive dialogue based on the principles of the Arusha Agreement, notably ahead of the presidential election in 2020,

Noting with appreciation the repeated efforts made by the international community, including those by the African Union, the East African Community, the African Commission on Human and Peoples' Rights, the Peacebuilding Commission, the Special Envoy of the Secretary-General for Burundi and the European Union, to find a peaceful, consensual and long-lasting solution to the current crisis,

Taking note of the report of the Secretary-General on the situation in Burundi[28] and the observations and recommendations contained therein, including those on the need to convene an inclusive dialogue and to re-establish cooperation with United Nations human rights mechanisms,

Recalling the statement made by the President of the Security Council on 5 April 2018[29] and Council press statement of 22 August 2018, in which the members of the Council voiced their deep concern at the political situation in Burundi, the slow progress of the inter-Burundian dialogue and the lack of engagement by the Government of Burundi in that process, while expressing alarm at the continuously worrying human rights and humanitarian situation, in particular regarding fundamental freedoms, and recalled the commitments made by the Government during the thirty-sixth session of the Human Rights Council to re-establish full mutual cooperation with the Office of the United Nations High Commissioner in Bujumbura and to accept the visit of a team of three experts from the Office of the High Commissioner,

Recalling also resolution 396 on the human rights situation in Burundi, adopted by the African Commission on Human and Peoples' Rights at its sixty-second ordinary session, held from 25 April to 9 May 2018, in which it called upon the Government of Burundi to conduct without delay transparent and impartial investigations against all those responsible for human rights violations and abuses in order to bring the perpetrators to justice,

[28] S/2018/89.

[29] S/PRST/2018/7.

Welcoming the work of the Commission of Inquiry on Burundi, including its recent report,[30] and deploring the continued refusal by the Government of Burundi to cooperate with the Commission by, inter alia, denying it access to the country,

Deploring the decision by the Government of Burundi to declare the three members of the Commission of Inquiry on Burundi persona non grata in retaliation for the report presented by the Commission to the Human Rights Council at its thirty-ninth session,[30] and urging the Government to reconsider and revoke its decision,

Deploring also the threats, intimidation and personal attacks being directed by representatives of the Government of Burundi against the members of the Commission of Inquiry, including during the interactive dialogues held by the Human Rights Council and the Third Committee,

Deploring further the lack of follow-up by the Government of Burundi on the recommendations made the Commission of Inquiry in its previous report,[31]

Noting the downgrading of the accreditation of the Independent National Human Rights Commission of Burundi from A to B status as of 21 February 2018, and encouraging the State and the Commission to address the recommendations made by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions with regard to facilitating the reinstatement of A status accreditation, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

Regretting the refusal by the Government of Burundi to cooperate fully in the implementation of Human Rights Council resolution 36/2, initiated by the African Group, by cancelling the visas of experts being deployed to the country,

1. *Condemns in the strongest terms* all acts of violence committed in Burundi by all parties or individuals, including the appalling attack against civilians perpetrated in Ruhagarika on 11 May 2018, and expresses deep concern at the continuously worrying human rights and humanitarian situation in Burundi, which particularly affects women and children;

2. *Strongly condemns* all human rights violations and abuses that persist in Burundi, particularly those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, cases of torture, and other ill-treatment, sexual or gender-based violence, persecution of members of civil society, journalists and bloggers, members of the political opposition and demonstrators, and restrictions on the freedoms of expression, peaceful assembly and association, contributing to a climate of intimidation among the population;

3. *Expresses grave concern* at the findings of the Commission of Inquiry on Burundi with regard to the increased number of human rights violations and abuses committed by the Burundian defence and security forces, including the national intelligence service, the police and the armed forces and the Imbonerakure, the youth wing of the ruling party, in a climate of widespread impunity, while providing reasonable grounds to believe that some human rights violations may constitute crimes against humanity, as first found by the Commission of Inquiry with regard to the events of 2015 and 2016 in its report;[31]

4. *Expresses particular concern* at the growing role of the Imbonerakure, which the Commission of Inquiry found was being used as a substitute for law enforcement, particularly in the interior of the country, and in this context notes the possible responsibility of the Government of Burundi for the wrongful acts by the Imbonerakure;

5. *Condemns* the practice of widespread impunity for all human rights violations and abuses and related crimes, while noting that the few investigations launched by the Government of Burundi have not yielded any credible or tangible results, and reaffirms its call upon the Burundian authorities to conduct full, impartial, independent,

[30] A/HRC/39/63.

[31] A/HRC/36/54 and Corr.1.

effective and thorough investigations into serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held to account before a court and all victims are allowed access to effective remedy and adequate reparation;

6. *Strongly urges* the Government of Burundi to give due consideration to the recommendations made by the Commission of Inquiry in its reports, and to implement them as appropriate;

7. *Strongly condemns* all statements made inside and outside the country that incite to discrimination, hate, violence or segregation against Burundian citizens, including civil society actors;

8. *Expresses concern* at the deregistration and continued suspension of a number of civil society organizations and political groups in Burundi, and at the intimidation, harassment, arbitrary arrest and criminalization of human rights defenders, most of whom have been forced into exile, and urges the Government of Burundi to ensure a safe and enabling operating environment for human rights defenders and civil society organizations to permit all media outlets to resume their activities free from harassment, intimidation or bullying, and to release all human rights defenders who have been arbitrarily sentenced;

9. *Welcomes* the announcement made by Burundian authorities earlier in 2018 of the release of more than 2,000 prisoners following the presidential pardon granted on 31 December 2017, and calls upon the Government of Burundi to release all those who have been arbitrarily arrested and are still being detained;

10. *Urges* the Government of Burundi to put an immediate end to all human rights violations and abuses to ensure the safety, physical integrity and protection of its population, while fully adhering to international human rights and humanitarian law, to respect, protect and fulfil all human rights and fundamental freedoms for all, including freedom of expression, to promote the rule of law and to ensure accountability for those who have committed unlawful acts of violence;

11. *Calls upon* the Government of Burundi to follow up on and implement the recommendations accepted by the State in the context of its universal periodic review on 18 January 2018 and at its two previous reviews and to, inter alia, take the measures necessary to ensure that the Independent National Human Rights Commission fully complies with the Paris Principles;

12. *Notes* the opening in April 2016 by the Prosecutor of the International Criminal Court of an investigation effective as of 25 October 2017 following the finding made by the Pre-Trial Chamber that the supporting materials presented by the Prosecutor constituted a reasonable basis to proceed with an investigation in relation to crimes against humanity allegedly committed since at least 26 April 2015 by State agents and other groups, such as the Imbonerakure, implementing State policies, and stresses the relevance of the findings and the evidence collected by the Commission of Inquiry to international accountability mechanisms;

13. *Calls upon* the Government of Burundi to cooperate fully with the International Criminal Court in relation to the investigation that was authorized and initiated before the withdrawal of Burundi from the Rome Statute came into force;

14. *Deplores* the continued suspension of cooperation with the Office of the United Nations High Commissioner for Human Rights, underlines the need to enable the Office of the High Commissioner to fulfil its mandate and to resume its activities, including its monitoring and reporting functions, with full access to persons and locations, and urges the Government of Burundi promptly to finalize the agreement with the Office without undue conditions or further delays;

15. *Urges* the Government of Burundi to cooperate fully with the treaty bodies, to allow special procedure mandate holders to visit the country and to stop any reprisal against human rights defenders who are cooperating with international human rights mechanisms, including the Human Rights Council;

16. *Welcomes* the work of the African Union human rights observers in Burundi and reiterates its urgent call upon the Government of Burundi to sign without further delay the memorandum of understanding with the African Union, which will allow the human rights observers and military experts of the African Union to operate fully in the country in fulfilment of their mandated responsibilities;

17. *Recalls* that all States Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights and fundamental freedoms, notes the importance of cooperation with international and regional human rights mechanisms as part of those efforts, and deplores the lack of respect shown by the Government of Burundi for those standards;

18. *Encourages* the Government of Burundi to cooperate, without preconditions, with the regionally led mediation efforts to create conditions for an inclusive and genuine inter-Burundian dialogue that ensures the participation of women and involves all relevant stakeholders, including civil society representatives, from both inside and outside the country;

19. *Calls upon* the Burundian authorities to ensure equitable political processes and to enable a safe and open environment that is conducive to the holding of inclusive and transparent democratic elections in accordance with international democratic standards;

20. *Expresses its deep concern* at the difficult situation of Burundians who have fled the country, including of the nearly 400,000 Burundians who are currently settled in five neighbouring countries, underlines the importance of upholding the voluntary nature of return, calls upon Governments in the region to continue their efforts with a view to ensuring that those returns are voluntary, based on informed decisions and in safety and dignity, and welcomes the efforts of neighbouring countries and the international community to provide humanitarian support to those persons;

21. *Requests* the Commission of Inquiry on Burundi to share its report[30] and recommendations with the African Union and all relevant organs of the United Nations for their consideration;

22. *Decides* to extend the mandate of the Commission of Inquiry on Burundi in order for it to deepen its investigations until it presents a final report to the Human Rights Council during an interactive dialogue at its forty-second session and to the General Assembly at its seventy-fourth session, and requests the Commission to present an oral briefing to the Council at its fortieth and forty-first sessions during an interactive dialogue;

23. *Urges* the Government of Burundi to cooperate fully with the Commission of Inquiry, to authorize it to conduct country visits and to provide it with all the information necessary to properly fulfil its mandate;

24. *Requests* the Office of the High Commissioner to provide all the resources necessary to the Commission of Inquiry to allow it to fulfil its mandate properly;

25. *Decides* to remain seized of the matter.

40th meeting
28 September 2018

[Adopted by a recorded vote of 23 to 7, with 17 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Croatia, Ecuador, Germany, Hungary, Iceland, Japan, Mexico, Mongolia, Panama, Peru, Republic of Korea, Rwanda, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Arab Emirates,** United Kingdom of Great Britain and Northern Ireland

** The representative of the United Arab Emirates subsequently stated that there had been an error in the delegation's vote and that it had intended to vote against.

Against:

Burundi, China, Cuba, Democratic Republic of the Congo, Egypt, Saudi Arabia, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Côte d'Ivoire, Ethiopia, Georgia, Iraq, Kenya, Kyrgyzstan, Nepal, Nigeria, Pakistan, Philippines, Qatar, Senegal, South Africa, Togo, Tunisia]

39/15. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming its previous resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave situation of human rights across the Syrian Arab Republic,

Condemning also the indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, and recalling the obligation of all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as schools, as well as medical facilities, and the prohibition on attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Expressing deep concern at the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, and in accordance with the Geneva communiqué of 30 June 2012 and Security Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance and supporting the Special Envoy of the Secretary-General for Syria in his efforts towards this end,

Recalling Security Council resolution 2336 (2016) of 31 December 2016, and stressing the urgent need to respect the de-escalation area of Idlib, acknowledging the signing of the memorandum by Turkey and the Russian Federation on the stabilization of the situation in the Idlib de-escalation area, emphasizing the need for a comprehensive nationwide ceasefire, and also emphasizing that humanitarian access must be part of such efforts,

Recalling also that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014, 2268 (2016) of 26 February 2016 and 2401 (2018) of 24 February 2018, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel, may amount to war crimes,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any use of chemical weapons must be held accountable, regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism was not renewed, and welcoming that the Organisation will put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic,

Bearing in mind that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,[32] and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its eighth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to renew their efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting future accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the continued use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of

[32] A/HRC/39/65.

starvation and siege directed against civilian populations as a method of warfare, and stresses the particular situation of concern in Idlib, where increasing violence and airstrikes continue to cause death and injury among civilians;

7. *Urges* an immediate end to the violence in Idlib, and respect of the de-escalation area, in order to prevent further death and injury among civilians and damage to civilian objects, as well as to avoid a potential humanitarian catastrophe;

8. *Strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

9. *Also strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores, in particular, the impact of the denial of humanitarian access on their lives and well-being;

10. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their State and non-State allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

11. *Expresses deep concern* at the finding of the Commission of Inquiry that tactics used in the recapturing of the besieged area of eastern Ghutah amounted to war crimes and crimes against humanity;

12. *Also expresses deep concern* about the human rights situation and humanitarian access in areas that have recently come under the control of the Syrian authorities, and urges them and their allies to ensure humanitarian access and respect for international human rights law and international humanitarian law;

13. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, and that women and girls have been disproportionately affected and victimized on multiple grounds;

14. *Notes* the findings of the Commission of Inquiry that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh), that they form part of a widespread and systematic attack directed against a civilian population, amounting to crimes against humanity, and that, after February 2012, these acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

15. *Strongly condemns* all acts of such sexual and gender-based violence, calls for immediate medical and psychosocial support to be provided to the survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to heed the recommendations made by the Commission of Inquiry;

16. *Takes note* of the recent publication of the Commission of Inquiry, *Detention in the Syrian Arab Republic: A Way Forward*, in which the Commission highlighted the fact that the arbitrary detention of tens of thousands of individuals, particularly by the Syrian authorities and affiliated militias, represents an urgent and large-scale crisis of human rights protection;

17. *Notes* the commencement of the functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as

well as the United Nations, underlines the need for concrete steps forward on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

18. *Strongly condemns* the continued widespread practices of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced by the Commission of Inquiry in its reports of and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

19. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

20. *Strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

21. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end arbitrary detention, torture and sexual and gender-based violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;

22. *Urges* all parties to take heed of the recent recommendations on the issue of detainees by the Commission of Inquiry,[33] in particular the calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those they have detained to their families;

23. *Recalls with serious concern* the findings of the Commission of Inquiry in its report *Out of Sight, Out of Mind, Deaths in Detention in the Syrian Arab Republic*, notes in this regard the recent issuing of death notifications of detained individuals by the Syrian authorities, which provides further indication of systematic violations of international human rights law and international humanitarian law, urges them to provide families with the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for, and to clarify the fate of those who remain missing or are still in custody;

24. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

25. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

26. *Expresses deep concern* at the situation of the 6.5 million internally displaced persons across the Syrian Arab Republic, takes note with concern in this regard of the latest report of the Commission of Inquiry,[32] and urges all parties to take note of its

[33] A/HRC/37/72.

recommendations on this matter and to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

27. *Deplores* the existence and application of national legislation, in particular Law No. 10/2018, which would have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property and to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calls for its immediate repeal;

28. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary, safe and dignified and subject to informed consent to the places of origin and protect all property and tenancy rights;

29. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

30. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

31. *Further strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

32. *Expresses deep concern* about the documented cases of civilians, including women and children, being taken hostage by the so-called Islamic State in Iraq and the Levant (Daesh), calls for their immediate release, and notes that hostage-taking may constitute a war crime;

33. *Condemns in the strongest possible terms* the continued use of chemical weapons by the Syrian authorities, in violation of its obligations under the Chemical Weapons Convention and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use, and welcomes in this regard the decision made on 27 June 2018 at the fourth Special Session of the Conference of the States Parties to the Chemical Weapons Convention and looks forward to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons putting in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons;

34. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which it found the Syrian authorities responsible for the use of chemical weapons on four occasions, and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

35. *Expresses grave concern* at the findings by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

36. *Also expresses grave concern* at the reported chemical weapons attack in Douma on 7 April 2018, and looks forward to the final findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

37. *Further expresses grave concern* that, in its latest report,[12] the Commission of Inquiry stated that a vast body of evidence suggested that chlorine had been dropped by helicopter on a residential building and that it had received information on the death of at least 49 individuals and the wounding of up to 650 others in Douma on 7 April 2018, and at the findings of the Commission in the same report that, in a series of ground attacks in Douma on 22 January and 1 February 2018, the Syrian authorities and/or affiliated militias had committed the war crime of using prohibited weapons, following a pattern previously documented by the Commission concerning the use of chemical weapons;

38. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017, March 2018 and July 2018, in which it reported that it had been unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

39. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable and expresses its support in this regard for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

40. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and stresses the prerequisite role that accountability can play in any efforts to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

41. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which a State is unwilling or unable to genuinely carry out investigations or prosecutions;

42. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, while noting the important role that the International Criminal Court can play in this regard;

43. *Welcomes* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, as mandated by the General Assembly in resolution 71/248 of 21 December 2016, including its close cooperation with the Commission of Inquiry and Syrian civil society, so that the voices of victims are heard, any evidence of crimes is collected and criminal prosecution proceeds;

44. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate, multiannual, financial means for its functioning;

45. *Deplores* the grave humanitarian situation in the Syrian Arab Republic and expresses deep concern at the plight of the approximately 1.5 million Syrians living in hard-to-reach areas in the country, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

46. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

47. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach areas, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

48. *Expresses deep concern* for the more than 5.6 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries, Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women and girls, while emphasizing the principles of responsibility and burden-sharing;

49. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

50. *Welcomes* the relevant international conferences on supporting the Syrian people, notably the second conference entitled "Supporting the future of Syria and the region" hosted by the European Union in Brussels on 24 and 25 April 2018, and renews its call for the international community to deliver in full all pledges;

51. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva and with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, religion or ethnicity, and welcomes the inclusion of civil society in this process;

52. *Decides* to remain seized of the matter.

40th meeting
28 September 2018

[Adopted by a recorded vote of 27 to 4, with 16 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Ecuador, Georgia, Germany, Hungary, Iceland, Japan, Mexico, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Senegal, South Africa, Tunisia]

39/16. Human rights situation in Yemen

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016 and 36/31 of 29 September 2017,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Welcoming the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new constitution,

Welcoming also the positive engagement of the Government of Yemen in the peace talks and its handling of the proposals made by the Special Envoy of the Secretary-General for Yemen, Martin Griffiths, and encouraging it to continue its efforts to achieve peace and stability in Yemen,

Reiterating its strong support for the ongoing efforts of the Secretary-General and his Special Envoy to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts and to fully and immediately implement all provisions of relevant Security Council resolutions,

Taking note of the statement made by the President of the Security Council on 15 March 2018 on Yemen,[34]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of and the full respect for international human rights law and international humanitarian law in armed conflicts,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and calling upon the parties to the conflict to ensure that humanitarian aid is facilitated and not hindered,

Concerned by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the severe restrictions on freedom of religion or belief,

[34] S/PRST/2018/5.

including for minorities, such as members of the Baha'i faith, and the harassment of and attacks against journalists and human rights defenders, including women human rights defenders,

Underlining the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the human rights situation in Yemen,

Recalling the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights, and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of the fourth and fifth reports by the National Commission of Inquiry in January and August 2018,

Noting the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution office and judiciary to complete judicial proceedings, to achieve justice and hold those responsible for abuses and violations accountable as soon as possible,

Noting also the work carried out by the Joint Incidents Assessment Team,

Taking note of the report of the High Commissioner containing the findings of the Group of Eminent International and Regional Experts and a summary of the technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry,[35]

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, and emphasizes the importance of accountability;

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under applicable international human rights law and international humanitarian law, and in particular with regard to attacks against civilians and civilian objects, and to ensure humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process;

4. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[36]

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

6. *Emphasizes* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against

[35] A/HRC/39/43.

[36] A/72/361-S/2017/821.

Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

7. *Calls upon* all parties to immediately release all Baha'i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected;

8. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that situation, and for their pledges to provide financial support for the Yemen humanitarian response plan for 2018;

9. *Invites* all bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate, and the intensification of its work according to presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

12. *Decides* to extend the mandate of the Group of Eminent International and Regional Experts for a further period of one year, renewable as authorized by the Human Rights Council;

13. *Requests* the Group of Eminent International and Regional Experts to submit a comprehensive written report to the High Commissioner for presentation to the Human Rights Council at its forty-second session, to be followed by an interactive dialogue;

14. *Encourages* all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the Group of Eminent International and Regional Experts;

15. *Requests* the Secretary-General and the High Commissioner to continue to provide the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

16. *Requests* the High Commissioner also to continue to provide substantive capacity-building, technical assistance and advice and legal support to enable the National Commission of Inquiry to complete its investigatory work, including to ensure that the National Commission investigates allegations of violations and abuses committed by all parties in Yemen and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. (50) of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

17. *Also requests* the High Commissioner to present to the Human Rights Council, at its fortieth session, an oral update on the situation of human rights in Yemen

and the development and implementation of the present resolution, and to present to the Council at its forty-second session a written report on the situation of human rights, including violations and abuses committed since September 2014, as well as on the implementation of technical assistance as stipulated in the present resolution.

41st meeting
28 September 2018

[Adopted by a recorded vote of 21 to 8, with 18 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Ecuador, Germany, Hungary, Iceland, Mexico, Panama, Peru, Qatar, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Egypt, Pakistan, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Ethiopia, Georgia, Iraq, Japan, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Philippines, Rwanda, Senegal, South Africa, Togo, Tunisia]

39/17. National human rights institutions

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other relevant instruments,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 33/15 of 29 September 2016 and Assembly resolution 72/181 of 19 December 2017,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Recalling further General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

Recalling that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter, grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and informed by other instruments, such as the Declaration on the Right to Development, and recognizing, inter alia, the need to build peaceful, just and inclusive societies that provide equal access to justice and are based on respect for all human rights, effective rule of law and good governance at all levels and transparent, effective and accountable institutions,

Welcoming the twenty-fifth anniversary of the Vienna Declaration and Programme of Action, and reaffirming its statement of the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities, and their role in preventing, remedying and assisting victims to find remedies to

human rights violations and abuses, in the dissemination of human rights information, and education in human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and welcoming the twenty-fifth anniversary of the adoption of the Paris Principles and of the establishment of the Global Alliance of National Human Rights Institutions,

Reaffirming the importance of, and welcoming the rapidly growing interest throughout the world in, establishing and strengthening independent, pluralistic national human rights institutions in accordance with the Paris Principles,

Reaffirming also the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Encouraging greater efforts to investigate and respond to increasing reports of cases of reprisal against national human rights institutions, their members and staff, and those who cooperate or seek to cooperate with them,

Recognizing the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms,

Commending the important work of the Global Alliance of National Human Rights Institutions, the Office of the United Nations High Commissioner for Human Rights and regional networks of national human rights institutions, including the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions, in support of the development and strengthening of independent and effective national human rights institutions compliant with the Paris Principles,

Welcoming efforts to strengthen United Nations system-wide coordination in support of national human rights institutions and their networks, including the establishment of the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,[37] and recognizing the potential for further cooperation in this regard between United Nations mechanisms and processes and with national human rights institutions,

Welcoming also the valuable participation and contribution of national human rights institutions and their networks, including their contribution to national mechanisms for reporting and follow-up, and with regard to follow-up to recommendations and relevant United Nations mechanisms and processes, in accordance with their respective mandates, including the Human Rights Council and its universal periodic review mechanism and the special procedures, the treaty bodies, the Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Permanent Forum on Indigenous Issues, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, and their continuing efforts in support of the 2030 Agenda, and encouraging further efforts in this regard,

Reaffirming that, as the 2030 Agenda for Sustainable Development recognizes, eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and interdependent,

[37] General Assembly resolution 70/163, para. 19.

Stressing that the effective participation of all individuals in national, political, cultural, religious, economic and social processes in their societies is crucial to their full and equal enjoyment of all human rights,

Bearing in mind that the promotion and upholding of tolerance, respect, pluralism and diversity are essential for the promotion and protection of human rights in multicultural contexts and, in particular, for combating racism, racial discrimination, xenophobia and related intolerance,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing, and recognizing that the 2030 Agenda pledges to leave no one behind and envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination,

Recognizing the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social, cultural, civil and political rights, particularly in the context of the implementation of the 2030 Agenda, which seeks to realize the human rights of all,

Welcoming the Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, noting that the implementation of the 2030 Agenda is a priority under the current Strategic Plan of the Global Alliance of National Human Rights Institutions, and acknowledging the efforts national human rights institutions are making to connect their work, in accordance with their respective mandates, to the implementation of the 2030 Agenda,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions[38] and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);[39]

2. *Encourages* Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. *Stresses* the importance of the financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

4. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them and to bring perpetrators to justice;

5. *Encourages* national human rights institutions that are compliant with the Paris Principles to continue to participate in and contribute to, including where relevant by providing parallel reports and other information, the work of the Human Rights Council and its universal periodic review mechanism, the special procedures and the treaty bodies

[38] A/HRC/39/20.
[39] A/HRC/39/21.

and all other relevant United Nations forums, and also encourages all relevant United Nations mechanisms and processes, including in the discussions on the implementation of the 2030 Agenda for Sustainable Development and its high-level political forum, to strengthen the independent participation of national human rights institutions compliant with the Paris Principles, in accordance with their respective mandates;

6. *Welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with such principles, also welcomes the continuing number of national institutions seeking accreditation status through the Global Alliance, and encourages relevant national institutions, including ombudsman institutions, to seek accreditation status;

7. *Encourages* the Secretary-General and all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes, working within their respective mandates, to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions, to work with Member States and national human rights institutions in the protection and promotion of human rights, and to strengthen United Nations system-wide coordination in support of national human rights institutions;

8. *Recognizes* the contribution that national human rights institutions have made to the promotion and protection, and prevention of violations, of human rights by exercising their mandates and functions consistent with the Paris Principles, and encourages them to continue to do so, including by:

(a) Independently assisting, advising and engaging with the State, and other stakeholders, in the prevention of violations and abuses of human rights;

(b) Encouraging the ratification, and ensuring the implementation, of international human rights treaties;

(c) Promoting legal, policy and procedural reforms, including to promote and ensure the harmonization of national laws and practices with the international human rights instruments to which a State is a party, and their effective implementation;

(d) Cooperating with the United Nations system, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;

(e) Conducting and promoting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights and efforts to combat all forms of discrimination;

(f) Working with non-governmental organizations devoted to promoting and protecting human rights and economic and social development, combating racism and protecting groups subject to particular vulnerabilities, marginalization or intersecting forms of discrimination, or specialized areas;

(g) Preparing and publicizing reports on the national situation with regard to human rights, drawing the attention of the Government to situations in any part of the country in which human rights are violated, making proposals to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(h) Supporting transparent and meaningful engagement by States in regional and international human rights forums by making contributions, in accordance with their independent mandates, to the reports that States are required to submit to United Nations bodies and committees and to regional institutions pursuant to their treaty obligations;

9. *Acknowledges* that, in the performance of their key functions, in accordance with their mandates and with the Paris Principles, national human rights institutions are

supporting the establishment and maintenance of inclusive societies, and in doing so can contribute to the implementation of the 2030 Agenda, including by:

(a) Assisting States to adopt effective frameworks to promote and protect human rights, which are applied equally to protect the rights of all individuals, without discrimination on any grounds, including race, colour, gender, age, disability, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) Contributing to building the capacity of States to prevent and reduce discrimination and violence through effective national-level legislation, regulation, policies and programmes, including those that guarantee equal access, rights and opportunities for all, including equal access to justice and participatory decision-making;

(c) Contributing to the progressive realization of economic, social and cultural rights for all;

(d) Contributing to the elimination of all forms of discrimination against women and gender-based violence;

(e) Contributing to the fight against racism, racial discrimination, xenophobia and other related intolerance, all forms of hate speech, and religious intolerance and its manifestations, including hate crimes and incitement to hatred, and fostering cohesive societies that respect and celebrate diversity and multiculturalism;

(f) Contributing to addressing multiple and intersecting forms of discrimination that can increase the vulnerability to violence and discrimination of persons with disabilities, indigenous peoples, refugees and migrants, persons who are socioeconomically disadvantaged, persons belonging to national or ethnic, religious and linguistic minorities, and other individuals in vulnerable situations or belonging to marginalized groups;

(g) Working with businesses to fulfil their responsibility to respect human rights in accordance with human rights law, and to support initiatives aimed at protecting victims of human rights abuses, including through the dissemination and implementation of the Guiding Principles on Business and Human Rights;

10. *Encourages* all States and national human rights institutions to continue to take appropriate steps to maintain a legislative or policy framework compliant with the Paris Principles, and to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions, including their contribution to the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda;

11. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

12. *Requests* the Office of the High Commissioner to continue and to strengthen its work with national human rights institutions, including through technical cooperation, capacity-building activities and advice, urges the High Commissioner to ensure that appropriate arrangements are made and budgetary resources are provided to continue and further extend activities in support of national human rights institutions, including through increased support for the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

13. *Also requests* the Office of the High Commissioner to convene, in close coordination with the Global Alliance of National Human Rights Institutions, on the margins of the 2019 annual meeting of the Global Alliance, an intersessional, half-day consultation, open to all States, national human rights institutions, civil society organizations and other relevant stakeholders, with the objective of exchanging the experiences and practices of national human rights institutions in working to support the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda, and further requests the Office of the High Commissioner to submit to the Human Rights Council, at its forty-first session, a summary report on the consultation;

14. *Requests* the Secretary-General to submit to the Human Rights Council, at its forty-fifth session, a report on the implementation of the present resolution that includes examples of best practices among national human rights institutions, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

41st meeting
28 September 2018

[Adopted without a vote.]

39/18. Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

Recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violations and to comply with their human rights obligations, for the benefit of all human beings,

Bearing in mind the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Recalling all relevant resolutions of the Human Rights Council on the enhancement of technical cooperation and capacity-building in the field of human rights and on the human rights of older persons,

Bearing in mind the Political Declaration and the Madrid International Plan of Action on Ageing of 2002, and all other relevant General Assembly resolutions,

Underscoring that international human rights treaties prohibit discrimination on, inter alia, the basis of age, and that national legislation should adhere to the State's international obligations,

Recalling that the 2030 Agenda for Sustainable Development stresses the need to ensure that no one is left behind, including older persons, and in this regard recognizing the essential contribution that older men and women make to the functioning of societies and to the achievement of the 2030 Agenda,

Noting with appreciation the contributions of international human rights bodies and mechanisms, including the treaty bodies, and the Human Rights Council and its mechanisms, such as the special procedures and the universal periodic review, in promoting

the implementation of the 2030 Agenda in accordance with States' human rights obligations,

Recognizing that older persons face a number of particular challenges in the enjoyment of their human rights that need to be addressed urgently, including in the areas of prevention of and protection against violence and abuse, social protection, food and housing, the right to work, equality and non-discrimination, access to justice, education, training, health support, long-term and palliative care, lifelong learning, participation and accessibility, and recognizing also that the discrimination older women experience is often multidimensional, with age discrimination compounding other forms of discrimination, and that technical cooperation and capacity-building, including through regional cooperation, can support and enhance States' efforts to address these challenges and to promote active and healthy ageing,

Emphasizing the importance of promoting inclusive, age-friendly communities and environments and of providing a range of support services that promote the dignity, autonomy and independence of older persons, to enable older persons to age in place, with due regard to individual preferences,

Emphasizing also that consultation with and the meaningful and effective participation of older persons and their organizations are essential in the formulation and adoption of legislation and policies, in particular those relating to their specific needs and concerns,

Acknowledging that States are encouraged to enhance their capacity to more effectively collect data, statistics and qualitative information, disaggregated when necessary by relevant factors, in order to improve assessment of the situation of older persons,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

Appreciating the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in supporting States in developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, including those pertaining to the rights of older persons, which have contributed to tangible improvements in the situation of human rights on the ground,

Noting with appreciation the contributions of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

Welcoming the work, and taking note with appreciation of the reports,[40] of the Independent Expert on the enjoyment of all human rights by older persons, whose mandate includes, inter alia, conducting, facilitating and supporting the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of older persons, and acknowledging the work of the Open-ended Working Group on Ageing,

[40] A/HRC/39/50 and Adds 1–2.

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for Members and observers of the Human Rights Council to share their visions and views to promote more effective technical cooperation and capacity-building in the field of human rights, and to share concrete experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, and of accepted universal periodic review recommendations, and their achievements and good practices in this area;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and the consent of the States concerned, and should take into account their needs, and the fact that all human rights are universal, indivisible, interdependent and interrelated and aim to make a concrete impact on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights, including the human rights of older persons;

4. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society;

5. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building in the field of human rights, and encourages States to continue to make contributions to these funds, especially those who have not yet done so;

6. *Welcomes* the panel discussion held pursuant to its resolution 36/28 of 29 September 2017 at its thirty-eighth session on the theme "Human rights and the Sustainable Development Goals: enhancing human rights technical cooperation and capacity-building to contribute to the effective and inclusive implementation of the 2030 Agenda for Sustainable Development", at which participants discussed the mutually reinforcing linkages between human rights and the Sustainable Development Goals, the role of the human rights treaty bodies in consolidating this two-way interaction, the need to maximize impact on the ground and ensure policy coherence at the national level, the need for capacity-building in the area of national statistical systems, and the importance of multi-stakeholder partnerships among Governments, United Nations country teams and agencies, national human rights institutions and civil society;

7. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme of the annual thematic panel discussion under agenda item 10, to be held during its forty-first session, will be "Technical cooperation and capacity-building in the field of the human rights of older persons";

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, to be submitted to the Human Rights Council at its forty-first session to serve as a basis for the panel discussion, on the activities undertaken by the Office and relevant United Nations country teams and agencies, and regional organizations to support States' efforts to promote and protect the human rights of older persons and their autonomy and independence, and address implementation gaps in national legislation, policies and programmes, including where applicable those relating to the Sustainable Development Goals, income security, the promotion of active and healthy ageing, the use of assistive technology, access to information and lifelong learning, combating all forms of discrimination against older persons, paying particular attention to older women and supporting the full integration of older persons in society and access to care, health and support services for older persons in their communities;

9. *Calls upon* States, international human rights bodies and mechanisms, relevant international organizations, national human rights institutions and civil society to share best practices and to make use of the ideas and issues raised in the panel discussion to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts in the promotion and protection of the human rights, including the rights of older persons.

41st meeting
28 September 2018

[Adopted without a vote.]

39/19. Technical assistance and capacity-building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014, 30/19 of 2 October 2015, 33/27 of 30 September 2016 and 36/25 of 29 September 2017,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) of 10 April 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016, 2301 (2016) of 26 July 2016, 2339 (2017) of 27 January 2017, 2387 (2017) of 15 November 2017 and 2399 (2018) of 30 January 2018,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African instruments on human rights to which they are parties,

Recalling that the authorities of the Central African Republic have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Welcoming the holding of popular consultations and the Bangui Forum on National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main actors in the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015, the holding of legislative and presidential elections in December 2015 and February and March 2016 and the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Welcoming further the adoption of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map on 17 July 2017 in Libreville, and the appointment of a panel of facilitators to implement it, and stressing the need for an inclusive dialogue, in keeping with the recommendations of the Bangui Forum on National Reconciliation,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Deeply concerned at the worsening security situation in the Central African Republic as a result of the advance of armed groups across most of the territory, and condemning in particular the acts of violence that continue to be committed by armed groups, in Bangui and elsewhere in the country, against civilians, United Nations peacekeepers and humanitarian actors, as well as violations of international humanitarian law and human rights violations, including those committed against children and sexual and gender-based violence in times of conflict, which have led to an unacceptable number of deaths, injuries, displaced persons and refugees,

Deeply concerned also at the increasing use of messages of hatred and incitement to violence that would aggravate discrimination and social stigmatization, while welcoming the adoption in June 2018 of the National Plan for the Prevention of Incitement to Discrimination, Hatred and Violence and advocating the full implementation of the Plan,

Deeply concerned further at the surge in attacks on humanitarian personnel and humanitarian facilities in a context which has not been improved by the increased number of displaced persons and the continuing high numbers of refugees, and at the fact that half of the country's population, or some 2.5 million Central Africans, continues to need humanitarian assistance to survive,

Noting the implementation of the humanitarian response plan for 2017–2019 and concerned about the growing humanitarian needs of the Central African Republic, in particular those of persons with disabilities and the needs of victims for psychotherapeutic support,

Recalling the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary return of displaced persons and refugees and to ensure that their return is sustainable,

Noting the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, such as the donor conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015 and several high-level meetings held on humanitarian action in the Central African Republic, such as the African Union Solidarity Conference for the Central African Republic, held in Addis Ababa in February 2017,

Welcoming the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during that conference, and encouraging Member States to swiftly disburse those pledges,

Deeply concerned at the violations and abuses of human rights and of international humanitarian law, including those involving summary executions, extrajudicial killings, arbitrary arrests and detention, enforced disappearance, the recruitment and use of children, rape and other forms of sexual violence, torture, looting, the unlawful destruction of property and other serious violations and abuses of international human rights law and international humanitarian law,

Emphasizing that those who engage in or provide support for acts that undermine the peace, stability or security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers and incite others to violence, particularly on ethnic or religious grounds, must be held responsible for their acts,

Welcoming the efforts of the African-led International Support Mission in the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the European Union Military Advisory Mission in the Central African Republic, and the non-operational and operational military training missions for the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international law, particularly international humanitarian law, international human rights law and

international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, recalling that an in-depth investigation should be launched into the allegations and that those responsible for such acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and the signing on 3 September 2018 of the protocol on information-sharing and reporting of sexual exploitation and abuse,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for the perpetrators of such violations and abuses, and the need to bolster national mechanisms to ensure accountability of perpetrators,

Stressing also the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and noting the decisions of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic and, on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming also the steps taken by the Government to operationalize the Special Criminal Court, such as the adoption of the rules of evidence and procedure and the provision of temporary premises for staff of the Court, and encouraging the international community to continue to support the Special Criminal Court in the long term,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights abuses in the Central African Republic concluded that the main parties to the conflict had committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,

Stressing the importance of pursuing investigations into allegations of violations of international humanitarian law and violations and abuses of international human rights law to complement the work of the international commission of inquiry and the report on the Mapping exercise documenting serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015 prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights,

1. *Strongly condemns* all abuses and violations of human rights and violations of international humanitarian law, including killings, acts of torture and inhuman and degrading treatment, sexual violence, abductions, arbitrary arrests and deprivation of liberty, extortion and looting, the recruitment and use of children, the occupation of schools and attacks on them, the injured and the sick, medical personnel, health centres and medical vehicles, as well as the denial of humanitarian assistance, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, against humanitarian workers and supplies and against United Nations staff;

3. *Reiterates its call* for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict adherence to all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

4. *Expresses deep concern* about the humanitarian situation, stresses that insecurity and the lack of funding are hampering the delivery of humanitarian assistance, and calls upon the international community to offer greater support for humanitarian efforts in the country;

5. *Calls upon* the Government, political and religious leaders and civil society organizations to undertake coordinated public action to prevent incitement to violence, including on ethnic and religious grounds, and recalls that individuals or entities who incite violence could be sanctioned by the Security Council;

6. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in the Central African Republic and of the recommendations contained therein;[41]

7. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

8. *Calls upon* the authorities to support the National Observatory for Gender Parity;

9. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement a proactive and robust approach to the protection of civilians, as enshrined in its mandate, and also encourages it to lend the necessary assistance to the authorities of the Central African Republic so that the Special Criminal Court can begin its work without delay;

10. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures in order to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and calls upon troop-contributing countries and international forces under the mandate of the Security Council to take appropriate measures to prevent any and all acts of sexual exploitation and abuse and to prevent impunity among their personnel in order to ensure justice for victims;

11. *Calls upon* the authorities of the Central African Republic, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary for the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

12. *Deplores* the increasing recruitment and use of children by armed groups as combatants, human shields, domestic workers or sex slaves, as well as the increasing number of child abductions, urges armed groups to release children from their ranks and to put an end to and prevent future recruitment and use of children, and, in this regard, calls on them to honour the commitments assumed by several of them on 5 May 2015;

13. *Welcomes* the ratification by the Central African Republic in 2017 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, encourages the continuing efforts of the Government to protect children through the adoption and effective implementation of legislation prohibiting the recruitment and use of children in armed conflict, and encourages the Government to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

14. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and

[41] A/HRC/39/70.

emphasizes the need to protect, release and reintegrate all children associated with the armed forces and armed groups and to implement rehabilitation and reintegration programmes that take into account the specific needs of girls;

15. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary steps to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

16. *Notes* the decision of the authorities of the Central African Republic in June 2014 to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction, and welcomes in that regard the opening in September 2014 of an investigation by the Court essentially into war crimes and crimes against humanity committed since 1 August 2012;

17. *Welcomes* the efforts by the authorities of the Central African Republic to establish within the national judicial system the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government to take all the measures necessary to ensure the effective implementation and operational capability of the Court and the opening of proceedings as soon as possible, with support from the international community, and to cooperate with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

18. *Takes note* of the efforts made by the authorities of the Central African Republic and underscores the urgent need to effectively redeploy judges throughout the country, to revitalize the judicial services, to implement the national strategy for the protection of victims and witnesses involved in judicial proceedings, and to establish appropriate reparation programmes to provide victims of violations and their families with material and symbolic reparation, at both the individual and collective level;

19. *Welcomes* the efforts by the authorities of the Central African Republic to hold criminal hearings in the Assize Court and requests them to continue strengthening the judiciary and combating impunity in order to contribute to stabilization and reconciliation, and stresses the urgent need to restore the administration of justice and strengthen the criminal justice system and the penitentiary system such that judicial authorities are effectively present throughout the country, while ensuring that everyone has access to fair and impartial justice;

20. *Takes note* of the efforts by the authorities of the Central African Republic to re-establish the effective authority of the State over the entire country, by pursuing the fight against corruption and redeploying the State administration, in particular the judiciary, in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance, and requests the authorities to support those efforts by ensuring that the redeployed authorities have sufficient resources;

21. *Calls upon* the authorities of the Central African Republic to implement the reform of the security sector in order to establish multi-ethnic, professional, representative and well-equipped national defence and internal security forces, and stresses the need for these forces to respect the principles of accountability and the rule of law so as to win and cultivate the trust of local communities, including the preliminary verification procedures relating to human rights conducted by the defence and security forces;

22. *Welcomes* the good cooperation between the authorities of the Central African Republic and international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union military training mission in the Central African Republic, with a view to the gradual and sustainable redeployment of the Central African armed forces and the internal security forces trained by the European Union military training mission in the Central African Republic and other international partners, in the wider context of extending the authority of the State and consolidating security, and invites the United Nations Multidimensional

Integrated Stabilization Mission in the Central African Republic to continue to apply a policy of due diligence in the field of human rights so as to ensure oversight and accountability in relation to the conduct of the national security forces;

23. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the authorities of the Central African Republic in rolling out the above-mentioned reforms and re-establishing the authority of the State throughout the territory, while expanding the role of the Economic Community of Central African States in peace efforts and cross-border issues, including the seasonal migration of animals;

24. *Calls upon* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, welcomes the progress made towards establishing a truth, justice, reparation and reconciliation commission, and calls upon the authorities to continue on this path;

25. *Urges* the authorities of the Central African Republic to define in an inclusive manner, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, a comprehensive road map for transitional justice, and encourages the authorities to identify pilot areas to develop local strategies for transitional justice;

26. *Stresses* the need to involve all sectors of Central African civil society and to promote the full and effective participation of women and young people in the dialogue between the authorities of the Central African Republic and the armed groups within the framework of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map, which is the main framework for a political solution in the Central African Republic, as well as the need to coordinate the peace process with transitional justice in order to facilitate national reconciliation;

27. *Remains deeply concerned* by the extent of conflict-related sexual violence, in particular against women and girls recruited by armed groups, and encourages the national authorities and the Special Criminal Court to protect victims and boost their empowerment, and to bring all alleged perpetrators of such crimes to justice;

28. *Remains concerned* by the surge in the number of children recruited by armed groups, calls for the establishment and implementation of social reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific needs of girls, and urges the authorities and armed groups to end and prevent such serious violations and abuses of their rights;

29. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to help the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

30. *Calls upon* the national authorities to continue their efforts to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

31. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgent needs and priorities identified by the Central African Republic, in particular financial and technical support and funding for the treatment of people traumatized by the crisis;

32. *Requests* all parties to authorize and facilitate rapid and unhindered access for humanitarian aid and humanitarian workers to the entire national territory, including by strengthening security on the roads;

33. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, the international financial institutions and other international organizations concerned and donors to provide the

Central African Republic with technical assistance and support for capacity-building with a view to promoting respect for human rights and undertaking reform of the justice and security sectors;

34. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

35. *Decides* to renew, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

36. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

37. *Decides* to organize, at its fortieth session, a high-level interactive dialogue to assess the evolution of the human rights situation on the ground, placing special emphasis on the participation of civil society, especially women's organizations and representatives of victims, in the peace and reconciliation process, with the participation of the Independent Expert and representatives of the Government of the Central African Republic, the United Nations, the African Union and civil society;

38. *Requests* the Independent Expert to work closely with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and United Nations bodies, particularly in the area of transitional justice;

39. *Also requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

40. *Further requests* the Independent Expert to work closely with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict;

41. *Requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its forty-first session and to submit a written report to the Council at its forty-second session;

42. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the financial and human resources necessary to enable her to carry out fully her mandate;

43. *Decides* to remain seized of the matter.

41st meeting
28 September 2018

[Adopted without a vote.]

39/20. Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014, 30/26 of 2 October 2015, 33/29 of 30 September 2016, 35/33 of 23 June 2017 and 36/30 of 29 September 2017, in which the Human Rights Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,[42] submitted to the Human Rights Council in accordance with its resolution 36/30,

Taking note also of the joint communiqué issued by members of the United Nations Security Council and the African Union Peace and Security Council of 19 July 2018, in which they reiterated that effective, swift and sincere implementation of the agreement of 31 December 2016, including confidence-building measures and respect for fundamental rights and the electoral timeline, were essential for a peaceful and credible electoral process, a democratic transition of power, and the peace and stability of the Democratic Republic of the Congo,

Noting the progress made by the armed forces of the Democratic Republic of the Congo in preventing and ending the recruitment and use of children, which has resulted in its removal from the list for this violation contained in the annual report of the Special Representative of the Secretary-General for Children and Armed Conflict,[43]

Noting with concern the report published on 19 March 2018 by the Office of the United Nations High Commissioner for Human Rights and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, which documented killings and other serious human rights violations owing to the excessive use of force against protest movements between January 2017 and January 2018,

Deeply concerned about the violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important electoral events,

Expressing its concern at the number of cases of rape and other forms of conflict-related sexual violence perpetrated against women and children,

Welcoming the report of the Joint Commission of Inquiry established by the authorities of the Democratic Republic of the Congo to investigate allegations of violations and abuses committed on 31 December 2017 and 21 January 2018,

Deeply concerned about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to a significant increase in the number of internally displaced persons and persons in need for humanitarian assistance,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and abuses and in improving the situation of human rights in the country,

Noting the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States, aimed at contributing to peace and stability in the Democratic Republic of the Congo,

[42] A/HRC/39/42.
[43] A/HRC/37/47.

Noting also, on the one hand, the progress made in the fight against impunity for perpetrators of sexual violence and in victims' access to justice for the reparation of harm suffered, including through the establishment, by the Office of the Personal Representative of the Head of State tasked with fighting against sexual violence and the recruitment of children, of a helpline for victims of sexual violence, which contributes to the fight against impunity, and, on the other hand, the adoption by the Government of a plan of action for the national police to fight against sexual violence and to ensure the protection of children,

Noting further the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

Welcoming the progress made by the Democratic Republic of the Congo in advancing the electoral process with a view to holding the legislative and presidential elections in December 2018,

1. *Condemns* unequivocally all acts of violence, especially in conflict-affected areas of the country, and all perpetrators, and urges all stakeholders to reject any kind of violence, to exercise maximum restraint in their actions in order to avoid further inflaming the situation, and to settle their disputes peacefully;

2. *Notes with satisfaction* the efforts made by the Government of the Democratic Republic of the Congo to bring perpetrators to justice, and welcomes the convictions already pronounced;

3. *Notes* the resumption, since 27 August 2018, of the trial of the alleged killers of two United Nations experts and the persons accompanying them in March 2017;

4. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and urges all stakeholders to reject any form of violence;

5. *Encourages* the Government of the Democratic Republic of the Congo to respect the rule of law and to continue its efforts to respect, protect and ensure the enjoyment of human rights and fundamental freedoms by all, in accordance with the international obligations of States;

6. *Recalls* that the primary responsibility to protect all civilians within its territory lies with the Government of the Democratic Republic of the Congo, and urges it to exercise maximum restraint and use proportionate and lawful force in its efforts to restore order, in accordance with international law;

7. *Commends* the Democratic Republic of the Congo for the accreditation of its National Human Rights Commission with category A status, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

8. *Notes with appreciation* the progressive operationalization of the National Human Rights Commission, the adoption of its five-year strategic plan and the release of its first annual report, and calls upon the Government to ensure that the Commission is independent, including with regard to its funding, so as to ensure full compliance with the Paris Principles;

9. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States, including strict respect for the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

10. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence on its territory, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, within its mandate, and to cooperate fully with the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004), including to allow complete and unhindered access to the country;

11. *Also encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave

human rights violations and abuses, and violations of international humanitarian law, and to ensure that victims of such violations, abuses and related crimes receive adequate reparations;

12. *Commends with appreciation* the fulfilment of the commitment made by President Joseph Kabila to abide by the Constitution and laws of the Democratic Republic of the Congo regarding the holding of elections;

13. *Welcomes* the positive developments in the electoral process in the Democratic Republic of the Congo, and in this regard notes the significant progress made by the Independent National Electoral Commission, including the revision of the electoral register and its audit by the International Organization of la Francophonie, the opening of offices for filing and processing candidatures and subsequent registration of candidatures for the legislative and presidential elections, the publication, on 24 August 2018, of the provisional lists of candidates for the presidential and legislative elections and the publication of the final lists of candidates in these various elections;

14. *Urges* the Independent National Electoral Commission to carry through the steps that remain up to the actual holding of the elections;

15. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

16. *Also welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial commission to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation of its five-year (2016–2021) plan for the protection of the rights of persons with disabilities, adopted on 20 and 21 May 2016;

17. *Underlines* the centrality of the agreement of 31 December 2016 and the necessity of its full implementation, to pave the way for the timely holding of elections in the Democratic Republic of the Congo, and urges Congolese stakeholders to redouble their efforts to prepare for the timely holding of free, fair, peaceful and credible presidential and legislative elections, in accordance with the provisions of the agreement of 31 December 2016, and in parallel to take additional confidence-building measures, in accordance with the agreement, in order to create an environment conducive to the completion of the electoral process;

18. *Welcomes* the enactment, on 10 March 2017, of the law amending the Code of Military Justice for the implementation of the Rome Statute of the International Criminal Court, and notes the validation, in May 2017, of the justice reform plan, prepared in accordance with the recommendations made at the conference convened in 2015 on the development of justice sector reform;

19. *Stresses* the need to release all persons improperly detained, including human rights defenders, and to grant the United Nations Joint Human Rights Office access to the centres under the responsibility of the National Intelligence Agency;

20. *Requests* all stakeholders in the electoral process to refrain from all forms of violence and any discourse inciting racial, tribal or ethnic hatred;

21. *Encourages* the Government of the Democratic Republic of the Congo to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and fully enjoy human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly;

22. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken within the framework of the amendments to the Family Code and the law on the parity of men and women;

23. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of

the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators are brought to justice;

24. *Encourages* the Interministerial Commission to continue its monitoring of the implementation of the Convention on the Rights of Persons with Disabilities;

25. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office, and the Human Rights Council and its special procedures;

26. *Also encourages* the Government to maintain and strengthen its efforts to pursue the reform of the security sector and of the judicial system, including by establishing the remaining superior courts of appeal, and to reform and strengthen its penitentiary system;

27. *Further encourages* the Government to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the Human Rights Liaison Unit, the National Human Rights Commission, the Interministerial Committee on Human Rights, the National Commission for the Universal Periodic Review and the Unit for the Protection of Human Rights Defenders;

28. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

29. *Requests* the United Nations High Commissioner for Human Rights to present to the Human Rights Council, in an enhanced interactive dialogue, an oral update on the situation of human rights in the Democratic Republic of the Congo at its forty-first session;

30. *Also requests* the High Commissioner to prepare a report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of 23 December 2018, and to submit it to the Human Rights Council, within the framework of an enhanced interactive dialogue, at its fortieth session, and to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo, and to submit it to the Council, within the framework of an enhanced interactive dialogue, at its forty-second session;

31. *Decides* to remain seized of the situation until its forty-second session.

41st meeting
28 September 2018

[Adopted without a vote.]

39/21. Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September

2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016 and 36/31 of 29 September 2017,

Emphasizing Security Council resolution 2216 (2015) of 14 April 2015,

Reiterating its strong support for the efforts of the Secretary-General and the Special Envoy of the Secretary-General for Yemen to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions, while welcoming in this regard the positive engagement of the Government of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for Yemen,

Welcoming the acceptance by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the fulfilment of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new constitution,

Taking note with appreciation of Presidential Decree No. 50 of 23 August 2017, in which the mandate of the National Commission of Inquiry was extended for a period of two years, with a view to investigating all human rights violations since 2011,

Aware of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of social and economic rights, and that the parties to the conflict must ensure that humanitarian aid is facilitated and not hindered,

Noting the work carried out by the Joint Incidents Assessment Team,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen and the findings of the Group of Eminent International and Regional Experts[44] established by the Human Rights Council in its resolution 36/31;

2. *Takes note with interest* of the statement and comments by the Government of Yemen on the report of the High Commissioner;

3. *Welcomes* the cooperation between the Government of Yemen and the Office of the High Commissioner and other relevant United Nations bodies and mechanisms;

4. *Takes note with appreciation* of the fifth report of the National Commission of Inquiry;

5. *Expresses deep concern* at the serious abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including the continued recruitment of children contrary to international treaties, the abduction of political activists, violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, the cutting of electricity and water supplies and attacks against hospitals and ambulances;

6. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law to stop immediately attacks on civilians and to ensure humanitarian access to the affected population nationwide;

7. *Expresses deep concern* at all attacks against civilian objectives, in violation of international humanitarian law, and recalls the obligations by all parties to the conflict to take all necessary precautions to avoid and in any event to minimize harm to civilians and civilian objects, such as schools, markets and medical facilities, and the prohibition on

[44] A/HRC/39/43.

attacking or destroying infrastructure and provisions that are indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs;

8. *Urges* the Government of Yemen to take measures to protect civilians, and to take appropriate measures with a view to ending impunity for all cases involving violations and abuse of human rights and international humanitarian law, including cases of violence against journalists and the detention of journalists and political activists;

9. *Requests* all parties to the conflict in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to the conflict to reach a comprehensive agreement to end the conflict while ensuring that women are part of the political and peacemaking process;

10. *Demands* that all parties to the conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to the conflict to cooperate with the United Nations for their reintegration into their communities;

11. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

12. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the Yemen humanitarian response plan for 2018 and to fulfil their pledges to the relevant United Nations humanitarian appeal;

13. *Reaffirms* the responsibilities of all parties to the conflict to enable the immediate and unhindered delivery of humanitarian assistance to all those who are in need, in accordance of the principles of international human rights law and international humanitarian law;

14. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

15. *Requests* the High Commissioner to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and technical support to the National Commission of Inquiry to ensure that the National Commission continues to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, and in line with international standards, and submits its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. 50 of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission;

16. *Also requests* the High Commissioner to present a written report on the implementation of technical assistance, as stipulated in the present resolution, to the Human Rights Council at its forty-second session.

41st meeting
28 September 2018

[Adopted without a vote.]

39/22. Technical assistance and capacity-building to improve human rights in the Sudan

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further Human Rights Council resolution 36/26 of 29 September 2017,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights,

Welcoming the humanitarian policies of the Government of the Sudan, which seek to facilitate and accelerate unhindered humanitarian access, while encouraging the Government to protect and provide humanitarian assistance to populations in need, and encouraging the Government also to intensify its endeavours to continue its commitment to address humanitarian needs in conflict-affected areas,

Welcoming also the positive and constructive engagement of the Government of the Sudan with United Nations agencies and the Special Representative of the Secretary-General for Children and Armed Conflict, which has resulted in the delisting of the Government from the recruitment and use of children following the completion of its action plan with the United Nations,

Welcoming further the hosting by the Government of the Sudan of peace negotiations between the Government of South Sudan and opposition movements under the auspices of the Intergovernmental Authority on Development, and commending the mediation role played by the Government of the Sudan in the negotiations process, which culminated in the signing of a peace agreement on 5 August 2018,

1. *Welcomes* the work of the Independent Expert on the situation of human rights in the Sudan;

2. *Takes note* of the report of the Independent Expert submitted to the Human Rights Council at its thirty-ninth session,[45] and of the comments of the Government of the Sudan thereon;[46]

3. *Notes with appreciation* the cooperation of the Government of the Sudan with the Independent Expert to enable him to fulfil his mandate, and the Government's stated commitment to continue that cooperation;

4. *Requests* the Independent Expert to work with all relevant partners to provide technical assistance and capacity-building to relevant entities of the Government of the Sudan, national agencies and other stakeholders;

[45] A/HRC/39/71.
[46] A/HRC/39/71/Add.1.

5. *Notes with appreciation* the outcomes to date of the ongoing national dialogue in the Sudan and implementation to date with a view to achieving sustainable peace, encourages the inclusive participation of all Sudanese stakeholders, and encourages all stakeholders to ensure an environment conducive to inclusive, transparent and credible dialogue;

6. *Commends* the Government of the Sudan for the extension of the unilateral declaration of cessation of hostilities, and calls upon remaining armed groups to declare an unconditional cessation of hostilities and to negotiate in good faith to achieve a permanent ceasefire;

7. *Commends* the hosting by the Sudan of more than one million refugees from neighbouring countries and other countries in the region, and the opening of five humanitarian corridors to provide life-saving interventions to those affected by conflict;

8. *Notes with appreciation* the continued efforts of the Government of the Sudan to implement the universal periodic review recommendations it has accepted, and encourages the Government to continue its cooperation with the review process, including further implementation of accepted recommendations;

9. *Also notes with appreciation* positive developments, such as the appointment of the Chairperson, Deputy Chairperson and Commissioners of the Sudan National Commission for Human Rights in April 2018, the efforts of the Government of the Sudan to combat human trafficking and smuggling and its continuous engagement and cooperation with different partners in these fields, the steps it has taken in the campaign on small arms control with the aim of ensuring security and the rule of law, and its completion of the action plan for the protection of children from violations in armed conflict;

10. *Acknowledges* the observations made by the Independent Expert in his report, urges the Government of the Sudan to ensure respect for the human rights of all individuals, and expresses concern about reported incidents of harassment, arbitrary arrest and prolonged detention, including of students, journalists, human rights defenders and members of civil society organizations, the increased number of seizures and censorship of newspapers, as well as other restrictions on the rights to freedom of expression, association and peaceful assembly, while urging the Government to respect its constitutional and international obligations and commitments and to safeguard freedom of religion or belief;

11. *Welcomes* the efforts of the Government of the Sudan to investigate alleged human rights abuses and violations by all parties, and encourages its efforts to hold perpetrators to account as its foremost priority, while noting the view that bringing all government agencies and offices into line with the State's international human rights obligations and commitments can improve the human rights environment in the Sudan;

12. *Also welcomes* the improvements in security in areas of conflict in the Sudan, encourages all sides to build on these developments, urges the Government of Sudan to address alleged violations or abuses of human rights in conflict zones, including those involving sexual and gender-based violence, and urges all parties to protect civilians and to pursue peace;

13. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to support the efforts of the Government of the Sudan in accordance with the present resolution with a view to further improving the situation of human rights in the country and by responding to the Government's requests for technical assistance and capacity-building;

14. *Requests* the Office of the High Commissioner, taking into account, inter alia, the recommendations of the Independent Expert, to provide technical assistance and capacity-building in ways to improve the situation of human rights in the country and with a view to providing support for the country to fulfil its human rights obligations and commitments;

15. *Decides* to renew the mandate of the Independent Expert for a period of one year or until the provisions of paragraph 19 below take effect, whichever is earlier;

16. *Requests* the Independent Expert to present a report on the implementation of his mandate, including recommendations on technical assistance and capacity-building, to the Human Rights Council for consideration at its forty-second session;

17. *Calls upon* the Government of the Sudan to continue its full cooperation with the Independent Expert, to continue to permit effective access to visit all areas of the country, and to meet with all relevant actors;

18. *Requests* the Office of the High Commissioner to provide the Independent Expert with all the financial and human resources necessary for the implementation of the mandate;

19. *Decides* that the termination of the mandate of the Independent Expert will take effect on the day that a country office of the Office of the High Commissioner, in accordance with General Assembly resolution 48/141 of 20 December 1993, is declared operational by the Office of the High Commissioner and the Government of the Sudan;

20. *Requests* the Government of the Sudan and the Office of the High Commissioner to engage constructively to agree on the modalities and mandate for the establishment of a country office no later than September 2019;

21. *Requests* the Secretary-General to provide the Office of the High Commissioner with all the necessary resources to implement the present resolution;

22. *Requests* the Government of the Sudan and the Office of the High Commissioner to present their oral reports on progress towards the opening of a country office during an enhanced interactive dialogue at the forty-first session of the Human Rights Council;

23. *Decides* to consider this issue under agenda item 10.

41st meeting
28 September 2018

[Adopted without a vote.]

39/23. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia and that enhancing the legal framework, human rights protection systems and the capacity and legitimacy of institutions is essential to help to combat impunity and to improve accountability for human rights violations and to encourage reconciliation,

Recognizing also the need for all authorities engaged in security to uphold international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at

the national and federal Member State levels, and in that regard welcoming the Somalia Partnership Forums held in Mogadishu and Brussels, at which Somalia and international partners reaffirmed their commitment to the New Partnership for Somalia, which sets out the terms of international support for Somali priorities, including on human rights, and the Security Pact to provide Somali-led security and protection in accordance with international humanitarian law and international human rights law, as appropriate,

Recognizing the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the commitments of the Mission and the Intergovernmental Authority on Development are creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, the need to take special measures to protect women and girls from gender-based violence and all other forms of violence in situations of armed conflict, to end impunity and prosecute those responsible for violence against women and girls, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and at all levels of government, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve the situation of human rights in Somalia, and in that regard also welcomes:

(a) The progressive improvement in the human rights context in Somalia, not least through progress towards the ambitious goals set out in the New Partnership for Somalia and the National Development Framework of Somalia to promote stability and development with respect for human rights by, inter alia, strengthening the rule of law, promoting inclusivity in political decision-making, particularly for women, young persons, minorities and persons with disabilities, delivering a constitutional settlement that guarantees freedoms of expression and association, and addressing security threats in a manner that respects human rights obligations and protects civilians;

(b) The landmark political agreement between the Federal Government and federal Member States, which paves the way for the drafting, consultation and passage of an electoral law by December 2018 as a first step towards realizing historic one-person, one-vote elections in 2020 and, in particular, the commitment of the Federal Government, federal Member States and the National Independent Election Commission to protect inclusivity in terms of ensuring equal participation and representation of women in decision-making, as well as of displaced persons, young persons, persons with disabilities, minorities and all members of disadvantaged groups, at all stages of the electoral cycle;

(c) The cooperation between representatives of the Federal Government and federal Member States, youth groups, women, civil society organizations, professional associations, religious scholars, members of the Somali diaspora, persons with disabilities and traditional elders convention in May 2018 to launch the constitutional review process in Mogadishu, recognizing the importance of an inclusive and Somali-led process that delivers a political settlement supporting ongoing efforts in peace, development and the enjoyment of all human rights in Somalia;

(d) The formulation of the transition plan, which defines transition as the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Mission in Somalia towards increased Somali ownership for its citizens' security, appreciating, in particular, that this approach is underpinned by a focus on the rule of law, reconciliation, justice, respect for human rights and the protection of women and girls, and children;

(e) The continued commitment of the Federal Government, federal Member States and the Banadir Regional Authority to improve representation, inclusion and the participation of women in public and political affairs and, in particular, in leadership roles;

(f) The Federal Government's endorsement of the Charter for Change at the Global Disability Summit in July 2018, and its commitment to entrench the rights of persons with disabilities in social, educational, political and economic life through the first-ever bill on national disability for Somalia and other legislative mechanisms, improving the collection of data on persons with disabilities and by approving the creation of a national disability agency;

(g) The work undertaken by the Ministry for Women and Human Rights Development as the lead body of the Federal Government to advance the human rights agenda in Somalia, together with the progress in the establishment of a national human rights commission to monitor and provide accountability for violations and abuses, including a recruitment process that guarantees the representation of women, marginalized groups and persons with disabilities;

(h) The development of and agreement on key policies and plans, including a post-transition human rights road map, a national gender policy and a national plan of action on eradicating sexual violence in conflict;

(i) Progress on key legislation, including the enactment of the child protection bill, progress towards the adoption of a bill on sexual offences and the implementation of a media law, through consultation with media organizations and civil societies, in order to provide a framework for upholding freedom of expression;

2. *Also welcomes* the continued commitment of the Federal Government to the universal periodic review process, and in this regard further welcomes its acceptance of the many recommendations made during the review and encourages their implementation;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end impunity, to uphold respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes;

4. *Expresses particular concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation;

5. *Also expresses particular concern* at the abuses and violations committed against children, emphasizes the need for accountability and justice for all such violations and abuses, including the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming, rape and other sexual and gender-based violence, abductions, and in the treatment of children recaptured from non-State armed groups, and also emphasizes the importance that such children be recognized as victims and the need to establish and implement rehabilitation and reintegration programmes, including by taking into account the specific needs of girls;

6. *Expresses concern* that internally displaced persons, including the most marginalized and vulnerable, which may include women, children and persons belonging to minority groups, are the most at risk of violence, abuse and violations;

7. *Also expresses concern* at the attacks against and harassment of human rights defenders and the media in Somalia, including journalists, especially in the form of arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

8. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons in Somalia;

9. *Calls upon* the Federal Government, with the support of the international community:

(a) To continue progress towards settling outstanding constitutional issues and completing the constitutional review process in an inclusive manner that promotes the building of peace and the rule of law, protects the freedoms of expression and association and includes targeted provisions that enable and facilitate the advancement of women, children, young persons, persons with disabilities, minorities and all members of disadvantaged groups in the areas of access to justice, education, health, security and economic recovery;

(b) To secure constitutional provisions for the equal representation, participation and inclusion of women, particularly in leadership and decision-making roles in public and elected offices and the civil service through the constitutional review and other ongoing political and legislative processes;

(c) To meet commitments to deliver legislation by December 2018 that will pave the way for historic one-person, one-vote elections in 2020, and to ensure that this and other measures promote the inclusivity of these elections, particularly by ensuring the equal participation and representation of women in decision-making and in leadership positions, as well as of internally displaced persons, young persons, persons with disabilities, minorities and all members of disadvantaged groups at all stages of the electoral cycle;

(d) To realize commitments to security sector reform, including by ensuring the active participation of women in the implementation of the national security architecture, to ensure that Somali security forces and institutions comply with applicable national and international law, together with international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and the strengthening of internal and external accountability of all relevant security forces and institutions;

(e) To continue measures to implement the plans of action to prevent the unlawful recruitment and use of children in the national armed forces, and to work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers and children under 18 years of age used in armed conflict are treated as victims and rehabilitated in accordance with international standards;

(f) To realize commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses, ensuring prompt, independent, impartial, thorough and effective investigations into human rights violations by urgently concluding the establishment of a resourced and independent national human rights commission and by reforming State and traditional justice mechanisms to increase the representation of women in the judiciary, and to improve access to justice for women and children;

(g) To prioritize the enactment of legislation and undertake reforms that respect, protect and promote women's and girls' full enjoyment of all human rights and to allow for the response to and the prevention and elimination of all forms of violence and discrimination against women and girls, including by adopting a zero-tolerance approach to sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation, ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(h) To meet commitments to complete the national reconciliation plan by the end of 2018 in order to promote reconciliation and dialogue at the federal, federal Member State and subnational levels, while recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(i) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministry for Women and Human Rights Development at the federal and State levels, the judiciary, the police and correctional services;

(j) To implement fully the media protection law, to protect and uphold freedom of expression and a free media, to create a safe and enabling environment in which journalists and human rights defenders can operate free from hindrance and insecurity, to continue efforts to prohibit, prevent and protect against all kidnappings, killings, attacks,

acts of intimidation and harassment of journalists, to initiate timely, effective, impartial and transparent investigations into the killings of journalists, and to prosecute all those responsible for unlawful acts in a manner that is in accordance with the provisions in the media protection law and is consistent with other applicable national and international legal obligations;

(k) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Prevention and Punishment of the Crime of Genocide;

(l) To realize commitments made at the Global Disability Summit, particularly by enacting a national disability bill in accordance with the Convention on the Rights of Persons with Disabilities and in consultation with organizations of disabled persons, and by establishing a national disability agency;

(m) To finalize the review of and raise awareness about the new sexual offences bill, to ensure that any bill passed into law reflects international obligations and commitments on the protection of children, women and girls, and to implement it and other laws as necessary to prevent sexual and gender-based violence;

(n) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(o) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(p) To implement the Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted in Nairobi on 25 March 2017;

(q) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practice for relocations, to provide sites that provide safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(r) To ensure unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate full, rapid and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

10. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by national and international experts and the Federal Government, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

11. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

12. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;[47]

13. *Decides* to renew the mandate of the Independent Expert, under agenda item 10, for a period of one year to assess, monitor and report on the situation of human rights in

[47] See A/HRC/39/72.

Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

14. *Requests* the Independent Expert to continue to work closely with the Federal Government at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, with the African Union, the Intergovernmental Authority on Development and other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

(a) Its national and international human rights obligations;

(b) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;

(c) Recommendations accepted in the context of the universal periodic review;

(d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and marginalized groups, freedom of expression and assembly, the protection of the media, access to justice for women, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

15. *Also requests* the Independent Expert to report to the Human Rights Council at its forty-second session and to the General Assembly at its seventy-fourth session;

16. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate fully;

17. *Decides* to remain actively seized of the matter.

41st meeting
28 September 2018

[Adopted without a vote.]

IV. Decisions

39/101. Outcome of the universal periodic review: Turkmenistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Turkmenistan on 7 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Turkmenistan, comprising the report thereon of the Working Group on the Universal Periodic Review,[48] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[49]

23rd meeting
20 September 2018

[Adopted without a vote.]

39/102. Outcome of the universal periodic review: Burkina Faso

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Burkina Faso on 7 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Burkina Faso, comprising the report thereon of the Working Group on the Universal Periodic Review,[50] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[51]

23rd meeting
20 September 2018

[Adopted without a vote.]

39/103. Outcome of the universal periodic review: Cabo Verde

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

---

[48] A/HRC/39/3.
[49] A/HRC/39/3/Add.1; see also A/HRC/39/2, chap. VI.
[50] A/HRC/39/4.
[51] A/HRC/39/4/Add.1; see also A/HRC/39/2, chap. VI.

Having conducted the review of Cabo Verde on 8 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Cabo Verde, comprising the report thereon of the Working Group on the Universal Periodic Review,[52] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[53]

23rd meeting
20 September 2018

[Adopted without a vote.]

39/104. Outcome of the universal periodic review: Germany

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Germany on 8 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Germany, comprising the report thereon of the Working Group on the Universal Periodic Review,[54] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[55]

23rd meeting
20 September 2018

[Adopted without a vote.]

39/105. Outcome of the universal periodic review: Azerbaijan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Azerbaijan on 15 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Azerbaijan, comprising the report thereon of the Working Group on the Universal Periodic Review,[56] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies

[52] A/HRC/39/5.
[53] A/HRC/39/5/Add.1; see also A/HRC/39/2, chap. VI.
[54] A/HRC/39/9.
[55] A/HRC/39/9/Add.1; see also A/HRC/39/2, chap. VI.
[56] A/HRC/39/14.

presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[57]

24th meeting
20 September 2018

[Adopted without a vote.]

39/106. Outcome of the universal periodic review: Tuvalu

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Tuvalu on 9 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Tuvalu, comprising the report thereon of the Working Group on the Universal Periodic Review,[58] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[59]

24th meeting
20 September 2018

[Adopted without a vote.]

39/107. Outcome of the universal periodic review: Colombia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Colombia on 10 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Colombia, comprising the report thereon of the Working Group on the Universal Periodic Review,[60] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[61]

24th meeting
20 September 2018

[Adopted without a vote.]

---

[57] A/HRC/39/14/Add.1; see also A/HRC/39/2, chap. VI.
[58] A/HRC/39/8.
[59] A/HRC/39/8/Add.1; see also A/HRC/39/2, chap. VI.
[60] A/HRC/39/6.
[61] A/HRC/39/6/Add.1; see also A/HRC/39/2, chap. VI.

39/108. Outcome of the universal periodic review: Djibouti

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Djibouti on 10 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Djibouti, comprising the report thereon of the Working Group on the Universal Periodic Review,[62] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[63]

24th meeting
20 September 2018

[Adopted without a vote.]

39/109. Outcome of the universal periodic review: Cameroon

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Cameroon on 16 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Cameroon, comprising the report thereon of the Working Group on the Universal Periodic Review,[64] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[65]

25th meeting
20 September 2018

[Adopted without a vote.]

39/110. Outcome of the universal periodic review: Bangladesh

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Bangladesh on 14 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

---

[62] A/HRC/39/10.
[63] A/HRC/39/10/Add.1; see also A/HRC/39/2, chap. VI.
[64] A/HRC/39/15.
[65] A/HRC/39/15/Add.1; see also A/HRC/39/2, chap. VI.

Adopts the outcome of the review of Bangladesh, comprising the report thereon of the Working Group on the Universal Periodic Review,[66] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[67]

25th meeting
20 September 2018

[Adopted without a vote.]

39/111. Outcome of the universal periodic review: Uzbekistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Uzbekistan on 9 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Uzbekistan, comprising the report thereon of the Working Group on the Universal Periodic Review,[68] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[69]

25th meeting
20 September 2018

[Adopted without a vote.]

39/112. Outcome of the universal periodic review: Canada

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Canada on 11 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Canada, comprising the report thereon of the Working Group on the Universal Periodic Review,[70] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[71]

26th meeting
21 September 2018

[Adopted without a vote.]

---

[66] A/HRC/39/12.
[67] A/HRC/39/12/Add.1; see also A/HRC/39/2, chap. VI.
[68] A/HRC/39/7.
[69] A/HRC/39/7/Add.1; see also A/HRC/39/2, chap. VI.
[70] A/HRC/39/11.
[71] A/HRC/39/11/Add.1; see also A/HRC/39/2, chap. VI.

39/113. Outcome of the universal periodic review: Cuba

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Cuba on 16 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Cuba, comprising the report thereon of the Working Group on the Universal Periodic Review,[72] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[73]

26th meeting
21 September 2018

[Adopted without a vote.]

39/114. Outcome of the universal periodic review: Russian Federation

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Russian Federation on 14 May 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Russian Federation, comprising the report thereon of the Working Group on the Universal Periodic Review,[74] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[75]

26th meeting
21 September 2018

[Adopted without a vote.]

[72] A/HRC/39/16.
[73] A/HRC/39/16/Add.1; see also A/HRC/39/2, chap. VI.
[74] A/HRC/39/13.
[75] A/HRC/39/13/Add.1; see also A/HRC/39/2, chap. VI.

V. President's statement

PRST 39/1. Reports of the Advisory Committee

At the 39th meeting, held on 27 September 2018, the President of the Human Rights Council made the following statement:

> "The Human Rights Council, recalling its resolutions 5/1 of 8 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the reports of the Advisory Committee on its twentieth and twenty-first sessions,[76] and notes that the Advisory Committee has made two research proposals."[77]

---

[76] A/HRC/AC/20/2 and A/HRC/AC/21/2.

[77] See A/HRC/AC/20/2, annex IV and A/HRC/AC/21/2, annex III.

1817087